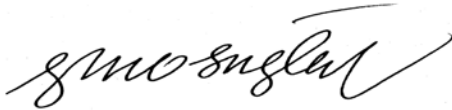


TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
NOTICE OF MEETING

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 April 13, 2005, at the North Tahoe Conference Center located at 8318 North Lake Blvd., Kings Beach, CA. The agenda for the meeting is attached hereto and made a part of this notice.

April 5, 2005

A handwritten signature in black ink, appearing to read "John Singlaub", written in a cursive style.

John Singlaub
Executive Director

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

North Tahoe Conference Center
8318 North Lake Blvd.
Kings Beach, CA

April 13, 2005
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 FOR FEBRUARY 9, 2005
- VI. PUBLIC HEARINGS
 - A. Amendment to Plan Area Statement (PAS 056), Marlette Lake, to Modify Special Policy #7 Regarding Local Public Health and Safety Facilities, and other matters properly relating thereto; (15 minutes) [Page 1](#)
 - B. Amendment of Code of Ordinances, Chapters 13 (Plan Area Statements and Plan Area Maps), 33 (Allocation of Development), and 35 (Bonus Unit Incentive Program) to simplify the allocation of multi-residential bonus units to eligible parcels, and other matters properly relating thereto; (30 minutes) [Page 9](#)
- VII. PLANNING MATTERS
 - A. Update on Current Planning for the Restoration of the Upper Truckee River (30 minutes) [Page 19](#)
- VIII. REPORTS
 - A. Executive Director
 - B. Legal Counsel

C. APC Members

VIII. ADJOURNMENT

ADVISORY PLANNING COMMISSION

North Tahoe Conference Center
8318 North Lake Blvd.
Kings Beach, CA

February 9, 2005

REGULAR MEETING MINUTES

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Called to order at 9:40 am

Members Present: Mr. Cole, Mr. Combs, Ms. Davidson, Mr. Harris, Ms. Jamin, Mr. Jepsen, Ms. Kemper, Ms. Krause, Mr. Lawrence, Mr. Lohman, Mr. McIntyre, Ms. Moss, Mr. Poppoff, Mr. Riley, Ms. Schmidt, Mr. Tolhurst

Members Absent: Mr. Plemel, Mr. Porta

II. PUBLIC INTEREST COMMENTS

None

III. APPROVAL OF AGENDA

Ms. Kemper moved to approve.
Approved

IV. APPROVAL OF MINUTES

Mr. Poppoff moved to approve.
Mr. Combs abstained.
Approved

V. RESOLUTIONS

- A. Resolution Recognizing Advisory Planning Commission Member Alice Baldrica
- B. Resolution Recognizing Advisory Planning Commission Member Gary Marchio
- C. Resolution Recognizing Advisory Planning Commission Member Joe Oden

Chairman Lohman presented the Resolutions thanking Ms. Baldrica, Mr. Marchio and Mr. Oden for their service to the APC.

VI. PUBLIC HEARINGS

- A. Amendment of the Boundary of Plan Area Statement 002, Fairway Tract, to incorporate Placer County APNs 094-010-007, 015, and 013 into Plan Area Statement 002, and Providing for Other Matters Properly Relating Thereto;

Staff member John Hitchcock presented the plan area statement.

No Public Comment.

Mr. Combs moved to approve.
Motion Carried Unanimously.

B. Tahoe City Marina Master Plan Adoption and EIS Certification

Staff member Coleen Shade explained the process to introduce the master plan.

Jim Phelan, General Manager of the Tahoe City Marina facility, presented the Tahoe City Master Plan extension.

Sydney Coatsworth, EDAW Environmental Consultant to TRPA, presented the summary of the environmental document for the master plan extension.

No Public Comment.

Mr. Combs moved to approve.
Motion Carried Unanimously.

VII. PLANNING MATTERS

A. Presentation of Alternative Site Plans for Cedar Grove Affordable Housing Project

Staff member Theresa Avance introduced EDAW.

Sydney Coatsworth, EDAW Environmental Consultant to TRPA, presented the alternative site plans for the Cedar Grove project.

Public Comment:

Alex Merilotos, property owner and member of the Board of the Workforce Housing Association of Truckee/Tahoe and a member of the North Lake Tahoe Resort Association, stated that WATT is very supportive of this project and highly supports any alternative that maximizes the number of affordable units in this project.

Gary Midkiff, representing HTC, stated that the Local Government Committee has been pursuing for several years plan modifications that could potentially encourage workforce housing.

Julie Motamedi, a TRPA Governing Member, stated that she applauds the project applicant in creating as much housing as he possibly can and supports their efforts.

No action item.

VIII. REPORTS

A. Executive Director

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

B. Legal Counsel

There was no legal counsel report.

C. APC Members

APC member Mr. Poppoff commended Mr. Singlaub's approach to issues like the Shorezone ordinance.

APC member Ms. Kemper also stated that she thanks Mr. Singlaub for moving this Shorezone issue forward.

APC member Mr. Lawrence stated that this week starts the beginning of this legislative session in Nevada. The specific interest to Lake Tahoe is the Division of State Lands comes forward with their EIP request and we have a bill drafted in place and request for \$16.8M for the EIP and if it's approved that will bring our total appropriation to just under \$10M of the total EIP commitment.

APC member Mr. McIntyre stated that if anyone is interested in affordable housing that you should hold the date of April 7 as the NLTRA and WATT are sponsoring a symposium here at the North Tahoe Conference Center and we anticipate participation from local government entities, as well as people from outside the Basin. By the end of a program, there should be a different direction on the part of some of the problem solving.

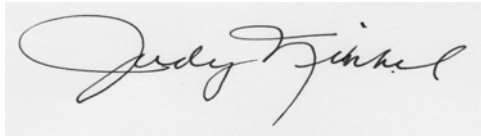
Chairman Lohman stated that there is a contractor that built a house 2 feet over height and comments were made on the plan and recommended to keep the height at a lower level but the contractor went ahead and disregarded the recommendation. He would like to encourage that this type of violation be corrected and not just levy a fine.

Staff member Mr. Cole stated that he also encourages that this be considered, so people who do this not get the idea that they just have to pay a fee and not correct the problem, which would encourage more people to do the same.

IX. ADJOURNMENT

Chairman Lohman adjourned the meeting at 2:10 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Judy Nikkel", is centered on a light gray rectangular background.

Judy Nikkel
Clerk to the Board

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

TAHOE REGIONAL PLANNING AGENCY

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MEMORANDUM

April 6, 2005

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment to Plan Area Statement 056, Marlette Lake, to Modify Special Policy #7 Regarding Local Public Health and Safety Facilities, and other matters properly relating thereto

Proposed Action: The applicant, Nevada Department of Administration, Buildings and Grounds Division (NDABG), requests an amendment to Plan Area Statement (PAS) 056, Marlette Lake, to modify Special Policy #7 to allow technological modifications and upgrades to the water transfer and pump system.

Staff Recommendation: Staff recommends that the Advisory Planning Commission conduct the public hearing as noticed, and recommend adoption of the proposed amendments (See Exhibit 1) to the TRPA Governing Board.

Background: In 2003, NDABG, which operates the Marlette Water System, submitted a PAS amendment application for 056-Marlette Lake. Later in 2003, the PAS was amended to allow for the construction of a gravity force main to convey the water flows from Marlette Lake to Hobart Reservoir. Although PAS 056 recognized Marlette Lake as a source of domestic water supply for Carson City, the PAS did not recognize the existing pumping facilities as a permissible use.

In the 2003 PAS amendment, NDABG requested that TRPA consider including local health and safety facilities as a permissible use. In response to that request, the TRPA included public health and safety facilities as a special use for the plan area in addition to a new special policy. The amendment was consistent with the original use (since 1873) of diverting a limited amount of water from Marlette Lake, and with the policies of the PAS, which emphasizes the maintenance of natural values in the area.

The special policy of PAS 056 added in 2003 states, "Any new local public health and safety facility within this Plan Area shall be limited to one gravity-fed water transfer/pump system, equipped with a fish screen to reduce impacts to fish." The special policy thus limits the NDABG to a gravity-fed water transfer system only.

Discussion: After further analysis of the proposed directional boring associated with the gravity-fed water transfer/pump system by the design engineers, it was determined that this alternative would surpass the ability of existing technology to build such a system and greatly exceed available funding. The directional boring would also leave the pipeline vulnerable to risk of upset from the geo-seismic activity in the area. As such, the

SG/smb

AGENDA ITEM VI.A.

design team investigated alternatives to the directional boring gravity-fed water transfer system. All of the potential alternatives require a pump facility (which currently exists), as opposed to a gravity-fed water transfer system. Therefore, a PAS amendment is required under any scenario to allow for the proposed use.

Rather than restricting operations to a diesel or natural gas-powered water pump system, the proposed amendment uses more generic language that would allow for modification or upgrading of the water transfer/pump system as new and more efficient technology is developed which meets or exceeds TRPA threshold standards. This would provide an enhanced ability to improve air quality and reduce noise levels associated with the local public health and safety facilities.

Effect on TRPA Workload: TRPA staff does not anticipate any impacts on Project Review's workload. Currently, the amendment does not result in any additional work beyond that anticipated for a standard review.

Required Findings: The following findings must be made prior to adopting the proposed amendment:

A. Chapter 6 Findings:

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

Rationale: The proposed amendment to the PAS will not adversely affect implementation of the Regional Plan. The amendment provides the ability to decrease impacts to air quality and noise by modifying any new local public health and safety facility to allow for upgrading or modifying of water transfer/pump systems as new and more efficient technology is developed that would meet or exceed TRPA threshold standards for air quality and noise.

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

Rationale: The amendment to PAS 056 doesn't create any impacts to environmental thresholds. Any project resulting from this amendment must comply with applicable provisions of the regional plan, including applicable thresholds.

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

Rationale: Any project resulting from this amendment will continue to be subject to federal, state, and local air and water quality standards.

4. Finding: The Regional Plan and all of its elements, as implemented through the Code, Rules of Procedure, and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

Rationale: For reasons stated in Findings 1 and 2 above, the Regional Plan will continue to achieve and maintain the threshold.

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

Rationale: See findings 1 and 2 above.

B. Chapter 13 Findings:

1. Finding: Prior to adopting any plan area amendment, TRPA must find the amendment is substantially consistent with the plan area designation criteria in Subsection 13.5.B and 13.5.C.

Rationale: PAS 056 is designated as a Land Conservation Area. Local public health and safety facilities are a special use. The proposed amendment allows for modification or upgrading of the water transfer/pump system as new and more efficient technology is developed. The proposed amendment will not reduce the amount of primitive or natural areas in this Land Conservation Area or increase the intensity of resource management. Findings for Subsection 13.5.C. are not required, as there are no Special Designations for PAS 056.

Environmental Documentation: The applicant has submitted and staff has reviewed an Initial Environmental Checklist (IEC) for the proposed action. Staff recommends that a Finding of No Significant Effect (FONSE) be made based on the IEC, Ch. 6 and Ch.13 findings, information in the staff report, and:

Special Policy # 7 of PAS 056 discourages the continued use of diesel powered water pumps and, in turn, will improve environmental quality in the area because noise levels will be reduced and air quality will be improved with the modification or upgrading of the water transfer/pump system with new and more efficient technology that meets or exceeds TRPA threshold standards. The amendment is consistent with the policies of the Plan Area Statement to maintain the natural values of the area.

Staff will begin this item with a brief presentation. Please contact Sloan Gordon at (775) 588-4547 x.322, or via email at sgordon@trpa.org, if you have any questions regarding this matter.

Attachments: A. Adopting Ordinance, with Exhibit 1. Proposed PAS 056 Amendment

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

056

MARLETTE LAKE

PLAN DESIGNATION:

Land Use Classification	CONSERVATION
Management Strategy	MITIGATION
Special Designation	NONE

DESCRIPTION:

Location: This area extends east of Highway 28 to the Basin boundary and south from the vicinity of Sand Harbor to Skunk Harbor. The mapped boundaries of this area are depicted on the Marlette Lake Quadrangle.

Existing Uses:[§] The area has no developed facilities. The USFS and State of Nevada share ownership and management of this area. Access is limited to a few unimproved dirt roads. Predominant uses in the area are recreational and include hiking, mountain biking, cross-country skiing, primitive camping, and nature viewing. Marlette Lake supplies domestic water for Virginia City and Carson City and is also managed by the Nevada Department of Wildlife for the rearing of rainbow and cutthroat trout.

Existing Environment:[§] This area is composed of a diversity of vegetation communities and offers relatively undisturbed habitats for wildlife. Recorded species of interest in the area include nesting Bald Eagle, nesting Northern Goshawk, deer, American marten, waterfowl and mountain beaver. Aspen communities, along with other riparian and shrub vegetation, are distributed throughout the planning area. Dominant coniferous vegetation includes white fir, Jeffrey pine, and lodgepole pine.

PLANNING STATEMENT:[§] This area should be managed for natural qualities to include enhancement and preservation of stream environment zone integrity, protection of essential wildlife habitats, and maintenance of scenic quality. Opportunities for hiking and other dispersed types of recreation should be facilitated when such uses are consistent with maintaining natural values of the area.

PLANNING CONSIDERATIONS:

1. There are two water filings on Secret Harbor Creek that could reduce late summer stream flows.
2. The area is popular for hiking, mountain biking, cross-country skiing and primitive camping.
3. Plant diversity is relatively high compared to other basin areas and provides critical habitats for sensitive wildlife species.
4. The area is not accessible for public vehicular use.

[§] Amended 3/26/03

5. The Agency Wildlife Maps and Geographic Information System identify Bald Eagle, Northern Goshawk, American marten, and waterfowl nesting and foraging habitat in this Plan Area and a deer migration route at the southeastern border.

SPECIAL POLICIES:[§]

1. Continue to restrict vehicle access into the planning area.
2. Protect the domestic water supply of the Marlette/Hobart watershed.
3. Resource management should emphasize native wildlife habitat enhancement and dispersed forms of recreation when not in conflict.
4. Service roads should continue to have limited use and be decommissioned and restored when and where appropriate.
5. Trailhead facilities should be screened from Highway 28 and designed to blend in with the natural character of the area.
6. Capacity of undeveloped campsites on Nevada State Parks lands is not to exceed the capacity of trailheads outside this Plan Area.
7. ~~Any new~~ The existing local public health and safety facility within this Plan Area shall ~~be limited to one gravity-fed water transfer/pump system~~ allow for the modification or upgrading of the water transfer/pump system as new and more efficient technology is developed, and be equipped with a fish screen to reduce impacts to fish.

PERMISSIBLE USES: Pursuant to Chapter 18 PERMISSIBLE USES and if applicable, Chapter 51 PERMISSIBLE USES AND ACCESSORY STRUCTURES IN THE SHOREZONE AND LAKEZONE, the following primary uses may be permitted within all or a portion of the Plan Area. The list indicates if the use is allowed (A) or must be considered under the provisions for a special use (S). Existing uses not listed shall be considered nonconforming uses within this Plan Area. The establishment of new uses not listed shall be prohibited within this Plan Area.

General List: The following list of permissible uses is applicable throughout the Plan Area:

Residential	Summer Homes (S).
Public Service [§]	Local public health and safety facilities (S)
Recreation	Day use areas (S), cross country skiing courses (S), riding and hiking trails (A), and undeveloped campgrounds (S).
Resource Management	Reforestation (A), sanitation salvage cut (A), special cut (A), selection cut (A), thinning (A), early successional stage vegetation management (A), structural and nonstructural fish/wildlife habitat management (A), fire detection and suppression(A), fuels treatment (A), insect and disease suppression (A), sensitive and uncommon plant management (A), erosion control (A), SEZ restoration (A), and runoff control (A).

[§] Amended 3/26/03

MAXIMUM DENSITIES: Pursuant to Chapter 21 DENSITY, the following list establishes the maximum allowable densities that may be permitted for any parcel located within the Plan Area. The actual development permitted may be further limited by transfer of development rights limitations, residential density incentive program, special use determinations, allocation limitations and general site development standards.

USE	MAXIMUM DENSITY
Residential Summer Homes	1 unit per parcel

MAXIMUM COMMUNITY NOISE EQUIVALENT LEVEL: The maximum community noise equivalent level for this Plan Area is 50 CNEL. The maximum community noise equivalent level for the Highway 28 corridor is 55 CNEL.

ADDITIONAL DEVELOPED OUTDOOR RECREATION: The following are the targets and limits for additional developed outdoor recreation facilities specified in Chapter 13 to be located within this Plan Area. Specific projects and their timing are addressed in the TRPA Five-Year Recreation Program pursuant to Chapter 33 Allocation of Development. The following additional capacities allowed are measured in persons at one time:

SUMMER DAY USES **0 PAOT** WINTER DAY USE **0 PAOT** OVERNIGHT USES **0 PAOT**

OTHER: 16 miles of trail.

ENVIRONMENTAL IMPROVEMENT PROGRAMS: The capital improvement and other improvement programs required by the Regional Goals and Policies Plan and Environmental Improvement Plan (EIP) for this area shall be implemented. [§]

[§] Amended 5/22/02

TAHOE REGIONAL PLANNING AGENCY

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April 6, 2005

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Amendment of Code of Ordinances, Chapter 13, Plan Area Statements and Plan Area Maps, Chapter 33, Allocation of Development, and Chapter 35, Bonus Unit Incentive Program, to simplify the allocation of multi-residential bonus units to eligible parcels, and other matters properly relating thereto.

Proposed Action: The Local Government Committee of the TRPA Governing Board, in association with the South Shore Affordable Housing Working Group, proposes to amend the Code of Ordinances, Chapters 13, 33 and 35 to change the special designation requirement for the Multi-Residential Incentive Program (MRIP) and Preferred Affordable Housing Area, in order to simplify the allocation of multi-residential bonus units to eligible parcels and provide opportunities for affordable housing within appropriate Plan Area Statements (PAS) and Community Plans (CPs).

Staff Recommendation: Staff recommends the Advisory Planning Commission hold a public hearing on this item, and recommend adoption of the amendments to the TRPA Governing Board. The amendments are reflected in Exhibits 1, 2, and 3.

Background: To address the shortage of affordable housing opportunities available to Basin residents, TRPA staff has been requested by the Local Government Committee of the Governing Board, in association with the South Shore Affordable Housing Working Group, to amend the Regional Plan to make the incentives of the MRIP available to all PAS and CPs with multi-residential uses as permissible uses.

At the December 3, 2004 Local Government Committee meeting, the November 22, 2004 "White Paper", authored by the South Shore Affordable Housing Working Group, was discussed, including a TRPA staff analysis of the White Paper. The White Paper addresses South Shore housing issues and identifies several proposals aimed at creating opportunities for owner-occupied market rate housing, owner-occupied and sales price-restricted housing, rent restricted workforce and student housing, and market rate housing construction.

The meeting provided a forum for local jurisdiction officials, TRPA, and private industry professionals within the Basin to debate the constraints and potential solutions associated with affordable housing issues. The outcome of the meeting resulted in the recognition of specific regulatory constraints associated with the current advancement of affordable housing projects. Within these constraints, the Working Group is requesting specific TRPA Code Amendments in order to accommodate and simplify the current advancement of affordable housing projects.

TRPA has been requested to proceed with the proposed amendments to eliminate all Code language requiring the MRIP and Preferred Affordable Housing Area as a special designation within applicable PAS, in order for a property to be eligible for multi-residential bonus units. Currently, only PAS and CPs with the MRIP and Preferred Affordable Housing Area Special Designations are eligible for the incentives of these programs (i.e., multi-residential bonus units).

The definition of these Special Designations are presented below:

13.5.C Special Designations: Eligibility for a specific planning program shall be limited to those plan area statements with the applicable special designations.

13.5.C(5) Preferred Affordable Housing Areas: Plan areas with the preferred affordable housing area designation are preferred locations for affordable housing and are eligible for incentives pursuant to Chapters 33 (e.g., allocation exemption) and 35 (e.g., bonus unit assignment).

13.5.C(6) Multi-Residential Incentive Program: Plan areas with the multi-residential incentive program designation are eligible for the multi-residential incentive program pursuant to Chapter 35.

Chapter 2 of TRPA Code provides the following definition for affordable housing:

Affordable Housing: Residential housing, deed restricted to be used exclusively for lower-income households (income not in excess of 80 percent of the respective county's median income) and for very low-income households (not to exceed 50 percent of the respective county's median income). Such housing units shall be made available for rental or sale at a cost that does not exceed the recommended state and federal standards. Each county's median income will be determined according to the income limits published annually by the Department of Housing and Urban Development. [Amended 9/25/96] For multi-person dwellings, the affordable housing determination shall be made using each resident's income and not the collective income of the dwelling. [Amended 6/27/01]

Affordable housing projects are exempt from residential allocation requirements, but not development rights, wherein residential bonus units can be used in lieu of development rights.

Discussion: Since the Preferred Affordable Housing designation is primarily intended to support the Multi-Residential Incentive Program, the proposed amendment would have the affect of allowing all PAS and CPs with multi-residential uses as a permissible use to be eligible for the incentives of the MRIP. Staff performed a data query from TRPA's PAS GIS coverage, and determined that there are approximately 38 PAS and CPs with multiple family dwellings as a permissible use that do not currently have the Preferred Affordable Housing Area as a special designation. There are approximately 24 PAS that do not currently have the MRIP as a special designation.

The intent of the special designation requirements is to allow eligibility for the MRIP, and to guide affordable housing projects to preferred locations zoned for high density

residential land uses and services necessary to accommodate affordable housing needs (i.e., transit-oriented development). One function of zoning is to guide high density multi-residential land uses into areas within close proximity to commercial and government services, and transit opportunities.

Therefore, all PAS that allow multi-residential uses as a permissible use are expected to support affordable housing-related services. In relation to the proposed Code amendments, elimination of the special designation requirement for the MRIP and Preferred Affordable Housing Area is not expected to adversely impact applicable PAS and CPs that do not currently have these designations.

All PAS and CPs that currently have the Preferred Affordable Housing designation will continue to be identified with this designation, to provide eligibility for the subdivision of post-1987 residential projects pursuant to Subsection 43.4.F. Additionally, this designation would continue to identify preferred locations for affordable housing pursuant to Subsection 13.5.C(5) as amended in Exhibit 1.

43.4.F Affordable Housing: Subdivisions of post-1987 residential projects in plan areas designated preferred affordable housing areas. Approval of subdivisions after December 31, 1995 of post-1987 residential projects which do not qualify as affordable housing are prohibited until TRPA finds the city or county, with zoning jurisdiction, has demonstrated its commitment to assume its "fair share" responsibility to provide lower and very low income housing within existing urban areas pursuant to Goal #1 of the TRPA Housing Subelement of the Regional Plan Goals and Policies.[Amended 4/28/04]

The finding that all local jurisdictions have demonstrated their fair share responsibility to provide lower and very low-income housing has previously been made by the Governing Board.

It is important to recognize that multi-residential bonus units for affordable housing are not eligible for single-family homes, since single-family homes are not a multi-residential use. Additionally, each single-family lot currently possesses one development right, and would only require an allocation for development, not a residential bonus unit. Bonus units and development rights are an equivalent commodity.

Effect on TRPA Staff Work Program: Although the proposed amendments have potential to allow for enhanced opportunities for affordable housing projects, staff does not anticipate that the proposed amendments will create a significant increase in residential housing permit applications. As amended, the development or redevelopment of affordable housing projects will still be subject to all current regulatory requirements and constraints. Further, the proposed amendments will eliminate the processing of PAS Amendment applications proposing to acquire the MRIP and Preferred Affordable Housing Area as a special designation.

Required Findings: The following findings must be made prior to adopting the proposed amendments:

A. Chapter 6 Findings:

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

Rationale: The special designation requirement for the Preferred Affordable Housing Area and MRIP serves as a mechanism to allow eligibility for the MRIP, and for guiding affordable housing projects to preferred locations. Therefore, the proposed amendments are not expected to affect any other Regional Plan procedural requirements as they currently exist, regarding the development of residential housing. Further, staff has reviewed all applicable elements of the Regional Plan to ensure consistency with the proposed amendments.

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

Rationale: The proposed amendments will not result in any project approval for residential development with potential to individually or cumulatively exceed the environmental thresholds. Elimination of the special designation requirement for both designations is not expected to affect any other TRPA regulatory requirement pertaining to the development of residential housing, to ensure all threshold standards are maintained. See Finding 1 for further elaboration.

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

Rationale: The special designation requirement for the Preferred Affordable Housing Area and MRIP serves as a mechanism to allow eligibility for the MRIP, and for guiding affordable housing projects in preferred locations. The proposed amendments will not result in any project approval for residential development with potential to exceed air and water quality standards applicable to the region. Elimination of the special designation requirement for both designations is not expected to affect any other TRPA regulatory requirement pertaining to the development of residential housing, to ensure compliance with air and water quality standards applicable to the region. See Findings 1 and 2.

4. Finding: The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

Rationale: The proposed amendments are consistent with the Regional Plan and will achieve and maintain the thresholds. See Findings 1, 2, and 3.

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

Rationale: The Code as amended, will still enable the achievement and maintenance of threshold standards, as these amendments do not alter any programs or provisions for threshold attainment. See Findings 1, 2, 3, and 4.

B. Chapter 13 Findings:

1. Finding: Prior to adopting any Plan Area amendment, TRPA must find the amendment is substantially consistent with the Plan Area designation criteria in Subsection 13.5.B and 13.5.C.

Rationale: The special designation requirement for the Preferred Affordable Housing Area and MRIP serves as a mechanism to allow eligibility for the MRIP, and for guiding affordable housing projects to preferred locations. In relation to Subsection 13.5.B, the proposed amendments are not expected to alter the intent or procedural requirements pertaining to Special Designations for applicable PAS.

In relation to Subsection 13.5.C, as amended, these designations would no longer be required as a Special Designation within applicable PAS for the MRIP. However, the proposed amendments are not expected to result in any inconsistencies with the provisions of applicable PAS, or other special designations identified in Subsection 13.5.C. Further, the proposed amendments provide for enhanced opportunities for affordable housing within the Basin, which is supported and consistent with other elements of the Regional Plan pertaining to affordable housing. Therefore, the proposed amendments are expected to be substantially consistent with the plan area designation criteria in Subsection 13.5.B and 13.5.C.

Environmental Documentation: Based on the Chapter 6 and 13 findings, and environmental review of the Initial Environmental Checklist for the proposed amendments, staff proposes a Finding of No Significant Effect be made.

Please contact Jason Ramos at (775) 588-4547, if you have any questions regarding this agenda item.

Attachments: Attachment A – Implementing Ordinance, Exhibit 1 – Chapter 13, Exhibit 2 – Chapter 33, Exhibit 3 – Chapter 35

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

Chapter 13

PLAN AREA STATEMENTS AND PLAN AREA MAPS

- 13.5.C Special Designations: Eligibility for a specific planning program shall be limited to those plan area statements with the applicable special designations. Each plan area statement may include special designations for specific planning programs as follows:
- (5) Preferred Affordable Housing Areas: Plan areas with the preferred affordable housing area designation are preferred locations for affordable housing and are eligible for subdivision of post-1987 residential projects pursuant to Subsection 43.4.F. ~~incentives pursuant to Chapters 33 (e.g., allocation exemption) and 35 (e.g., bonus unit assignment).~~
 - ~~(6) Multi-Residential Incentive Programs: Plan areas with the multi-residential incentive program designation are eligible for the multi-residential incentive program pursuant to Chapter 35.~~

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

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.

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.

(2) Distribution of the Allocation Pool: TRPA shall distribute allocations from the allocation pool as follows:

(a) Owners of eligible parcels may apply to TRPA on a first-come, first-serve basis for available allocations in the allocation pool.

(b) Owners of parcels located within jurisdictions that maintain a Certified Local Government Moderate Income Housing Program as described in 35.2.G, may apply to TRPA on a first-come, first-serve basis for available allocations in the allocation pool.[§]

~~(c) Allocations received under the Certified Local Government Moderate Income Housing Program are not limited to areas designated for the Multi-residential Incentive Program.[§]~~

[§] Amended 12/18/02

[§] Amended 4/28/04

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

Chapter 35

BONUS UNIT INCENTIVE PROGRAM

- 35.2 Multi-Residential Incentive Program: Multi-residential bonus units may be approved for use only on parcels located in plan areas or community plans with multi-residential uses as an allowed use, or a special use for which the findings required in Section 18.1 have been made.~~§§ designated as eligible for the Multi-Residential Incentive Program.~~
- 35.2.A Assignment Of Bonus Units: Pursuant to Chapter 13, a maximum of 1,400 multi-residential bonus units shall be available to plan areas with multi-residential uses as an allowed use, or a special use for which the findings required in Section 18.1 have been made.~~§§ the special designation of multi-residential incentive program.~~[§]
- 35.2.B Criteria: All projects receiving multi-residential bonus units pursuant to this chapter shall comply with the following criteria:
- (1) The proposed density, including any multi-residential bonus units, shall not exceed the maximum density limits set forth in the plan area statement, applicable community or redevelopment plan, or this Code.
 - (2) Multi-residential uses shall be designated in the plan area or community plan as an allowed use, or a special use for which the findings required in Section 18.1 have been made.^{§§}
 - (3) To be eligible for the Multi-Residential Incentive Program, the Plan Area shall have multi-residential uses as a permissible use.
 - ~~(3) The project shall be located within a plan area or community plan designated as eligible for the Multi-Residential Incentive Program.~~
 - ~~(4) The multi-residential bonus units received by the project shall not cumulatively exceed the total number of multi-residential bonus units available in the Regional Plan (1,400).~~[§]
 - (4) Except for affordable housing units as defined in Chapter 2, an allocation shall be required pursuant to Chapter 33 in order to utilize multi-residential bonus units.[§]
 - ~~(5)~~ (5) A maximum of 200 out of the 1,400 multi-residential bonus units shall be made available to moderate income housing projects.^{§§}

^{§§} Amended 07/23/03

^{§§} Amended 07/23/03

[§] Amended 04/24/02

^{§§} Amended 07/23/03

[§] Amended 7/23/03

^{§§} Amended 4/28/04

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MEMORANDUM

April 6, 2005

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Update on Current Planning for the Restoration of the Upper Truckee River

Proposed Action: This item is an informational item and staff will present an update on the current planning for the restoration of the Upper Truckee River. If you have questions, please contact Jerry Dion at extension 229 or jdion@trpa.org.