

APPENDIX B:

TAHOE REGIONAL PLANNING AGENCY MEMO



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July 31, 2019

Greg Chew
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Sacramento Area Council of Governments
1415 L St #300
Sacramento, CA 95814

RE: Tahoe Basin 2019 RHNA Allocation

Dear Greg,

This letter is to provide you with growth assumptions for the Tahoe Basin that can be utilized for developing the Regional Housing Needs Allocation (RHNA) for the Tahoe Basin portions of El Dorado County and Placer County as part of the RHNA Cycle Six (2021-2029). Our previous letter, dated June 11, 2019, also included information for the City of South Lake Tahoe. We have since learned from the department of Housing and Community Development that the RHNA allocation for the City will no longer be overseen by SACOG, therefore we have removed a recommendation for the City from this letter.

Jurisdictions within the Tahoe Basin are subject to the Bi-State Compact (Public Law 96-551), and, through the Bi-State Compact, the Lake Tahoe Regional Plan, which limits growth in the Basin based on several factors. This memo briefly summarizes the code sections which affect development potential in the Tahoe Basin and identifies the amount of growth that is anticipated for each jurisdiction over the next 8-year period (2021-2029).

There are two primary ways that TRPA limits growth in the Tahoe Basin: development caps and restrictions on building on sensitive lands. In order to build new residential, commercial, or tourist units property owners must obtain development rights, which are limited by the TRPA Code of Ordinances (TRPA Code Chapter 50).¹ Further, individual parcels are analyzed for their development suitability based on the Individual Parcel Evaluation System (IPES) (TRPA Code Chapter 53). The IPES determines how many parcels in each jurisdiction are buildable based on a range of factors including erosion hazard, runoff potential, slope, etc. Thus, although a jurisdiction may possess or have access to development rights, in some cases the use of these development rights is limited based on the number of developable parcels.

TRPA code allows for new residential development potential through the following methods:

¹Recent amendments to TRPA code allow the conversion of commercial floor area and tourist accommodation units into residential development and vice-versa. For modeling and growth forecasting purposes to-date, however, no conversions are assumed.

1. Annual release of Residential Allocations (TRPA Code Chapter 50)
2. TRPA's Residential Allocation Incentive pool (TRPA Code Section 50.5.1.D)
3. Residential Bonus Units (TRPA Code Chapter 52)

In the Tahoe Region, to construct a residential project or commence a residential use that creates one or more additional residential units, a project applicant must first receive the appropriate land use units (TRPA Code Chapter 50, Allocation of Development). The following residential uses contain residential units: secondary residences; employee housing; mobile home dwellings; multi-family dwellings; multi-person dwellings; nursing and personal care facilities; residential care facilities; single-family dwellings; and summer homes. The requirement for an allocation does not apply to affordable, moderate, or achievable² housing units, however these types of homes do require "bonus units."

TRPA distributes residential allocations to local jurisdictions every two years. The number of allocations distributed is based on the Performance Review System which takes into account local jurisdiction residential permit review, code compliance and Total Maximum Daily Load (TMDL) implementation (TRPA Code, Section 50.5). Beginning in 2020, the Performance Review System will also include a Short-Term Rental/Neighborhood Compatibility component to partially address the impacts of short-term rentals on Tahoe neighborhoods.

Property owners may also obtain allocations through the Residential Allocation Incentive Pool. Each method of obtaining residential development rights and the total number of development rights expected to be available to local jurisdictions each year is described below.

Annual Release of Residential Allocations

Annually, up to 120 residential allocations are released to local governments in the following proportions:

Jurisdiction	Current % of Allocations	Maximum Allocation per Year
Douglas County	8%	10
El Dorado County	25%	30
Placer County	31%	37
City of South Lake Tahoe	28%	33
Washoe County	8%	10

² TRPA defines "affordable" as homes that are affordable for ownership or rental by families who make up to 80% of Area Median Income (AMI); "moderate" as homes that are affordable for ownership or rental by families who make 81% to 121% of AMI; and "achievable" as homes that are affordable to an income level that varies by county, but represents the percentage of AMI necessary to afford the median-priced home. The achievable income levels for 2019 are available here: http://www.trpa.org/wp-content/uploads/ACHIEVABLE-AMI_Per-County_013019.pdf and also attached.

Total	100%	120
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Extrapolating these allocations out over the next eight years, the California jurisdictions could expect the following number of allocations through the annual allocation process between 2021 and 2029:

El Dorado County:	240
Placer County:	296

Since the number of allocations distributed is tied to the jurisdictions' performance as measured through the Performance Review System, each jurisdiction may not receive the maximum allocations each year.

TRPA Residential Allocation Incentive Pool

As an alternative to the annual allocations, property owners may receive allocations from the TRPA Residential Allocation Incentive Pool by completing certain activities, such as retiring a sensitive parcel, development right transfers to centers, retiring coverage, construction of attached units in Centers, and other activities as described in Section 50.5.1.D of the TRPA Code of Ordinances. The number of allocations remaining in the Incentive Pool as of the date of this letter is 64 units. All jurisdictions have an equal opportunity to use the units, therefore for the purposes of this analysis they have been divided equally among the five jurisdictions with residential development capability in the Basin. It is also assumed that these units will be used over the course of 14 years, the time at which the Basin is anticipated to be at "build-out." Therefore, these allocations have been divided by 14 years to obtain an annual usage estimate, then multiplied by the 8 years of the RHNA timeframe. This results in the following possible distribution:

El Dorado County:	7
Placer County:	7

Residential Bonus Units

Per TRPA Code Section 52.3.1, Residential Bonus Units may be made available to affordable, moderate, and achievable-income single and multi-family housing projects subject to the criteria in TRPA Code of Ordinances Section 52.3.4. As of the writing of this letter, 1,124 Residential Bonus Units remain basin-wide. Of these, five hundred and sixty-two (562) of the 1,124, or one half of the remaining residential bonus units shall be used for affordable housing units; the remaining 562 shall be used for moderate or achievable housing units. Some of these bonus units are set aside for use only in Community Plans or Area Plans, and therefore are tied to a certain jurisdiction. As for the remaining bonus units, there are no limits as to where they can be used geographically, so they are equally available to all jurisdictions. As with the TRPA Residential Allocation Incentive Pool, it is assumed that all of these units will be used over the course of 14 years. Therefore, these allocations have been divided by 14 years to obtain an annual usage estimate, then multiplied by the 8 years of the RHNA timeframe. The following two tables show

the amount of bonus units reserved by jurisdiction, and the remaining bonus units which may be used anywhere in the Basin. These remaining allocations are split equally among the five Tahoe jurisdictions:

Bonus Units reserved by jurisdiction			
Jurisdiction	Bonus Units Reserved for Use in Community Plans/Area Plans in this Jurisdiction	Annual Rate of Bonus unit anticipated use (divide by 14)	Total anticipated use over 8 years
El Dorado County:	0	0	0
Placer County:	41	2.9	23
City of South Lake Tahoe:	109	n/a	n/a
Total Bonus Units reserved for jurisdictions	150		
Remaining Bonus Units (1,124 minus 150) to be split among 5 Tahoe jurisdictions)	974		

Remaining Bonus Units not reserved by jurisdiction, distributed to the two California jurisdictions, pro-rated over 14 years and the 8-year RHNA cycle [974/5 =195; (195/14) x 8 = 112]			
Jurisdiction	Affordable	Moderate/Achievable	Total
El Dorado County:	56	56	112
Placer County:	56	56	112

Overall Allocations Available by Jurisdiction over 2021-2029

Combining the available allocations from all three categories, above, results in the following anticipated availability of allocations by jurisdiction over the eight-year period:

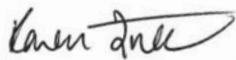
Jurisdiction	Any category	Residential Allocation Incentive Pool	CP/AP Bonus Unit Pools	Remaining Bonus Unit Pool		Total
				Affordable	Moderate/Achievable	
El Dorado County:	240	7	0	56	56	359
Placer County:	296	7	23	56	56	438

As noted above, however, not all parcels are buildable per the IPES program. In Placer County, there are only 435 buildable, vacant parcels. Taking this into consideration, the anticipated growth in housing stock per jurisdiction over the 8-year period is:

El Dorado County:	359
Placer County:	435

If you have any questions, please contact me at kfink@trpa.org or (775) 589-5258.

Sincerely,



Karen Fink
Housing Ombudsman

Attachments:
TRPA Code Chapters 50, 52, 53
Achievable Income Levels for 2019

CC:
Shawna Purvines, Placer County
C.J. Freeland, El Dorado County
Tom Brinkhuis, California Department of Housing and Community Development

Nick Haven, TRPA
Ken Kasman, TRPA
Michelle Glickert, TRPA
Reid Haefer, TRPA
John Marshall, TRPA

CHAPTER 50: ALLOCATION OF DEVELOPMENT

50.1. PURPOSE

This chapter sets forth the requirements for regulating the rate and timing of growth within the region. In conjunction with other provisions of this Code and the Goals and Policies, this chapter is intended to award and distribute allocations for growth and development in an orderly fashion in order to meet and maintain the environmental thresholds. An allocation issued pursuant to this chapter does not give the recipient a right to develop a project.

50.2. APPLICABILITY

No person shall construct a project or commence a use or activity that requires an allocation unless:

- A. An allocation is obtained in accordance with this chapter or an existing residential unit of use is obtained and transferred to the parcel in accordance with Chapter 51: *Banking, Conversion, and Transfer of Development Rights*;
- B. The parcel is eligible to use an allocation; and
- C. The project is approved by TRPA.

50.3. POTENTIAL RESIDENTIAL UNITS OF USE

Potential residential units of use, as defined in Chapter 90: *Definitions*, shall be assigned and utilized in accordance with the following provisions:

50.3.1. Assignment of Potential Residential Units of Use

Parcels legally existing on the effective date of the Regional Plan, July 1, 1987, shall be assigned a potential residential unit of use except as set forth below:

- A. Parcels which are located in Land Capability Districts 4, 5, 6, or 7, are within a community plan area, or within Centers in a Conforming Area Plan, and are eligible for tourist accommodation or commercial uses, shall not have a potential residential unit of use. Parcels that are removed from community plan areas and included in Area Plans shall not receive a potential residential unit of use with the change.
- B. Parcels that contained one or more of the primary uses listed in the Section 21.4 under Residential, Tourist Accommodation, Commercial, or Public Service, on the effective date of the Regional Plan, shall not have a potential residential unit of use, except as otherwise provided in subsection 50.3.4.
- C. Parcels that contained one or more of the primary uses listed in Section 21.4 under Recreation, on the effective date of the Regional Plan, shall not have a potential residential unit of use, except that parcels with only dispersed outdoor recreation as a primary use shall have a potential residential unit of use.

- D.** Parcels that contain one or more of the following uses in Section 21.4 under Resource Management, on the effective date of the Regional Plan, shall not have a potential residential unit of use :
 - 1. Tree farms;
 - 2. Farm/ranch accessory structure;
 - 3. Grazing;
 - 4. Range pasture, management;
 - 5. Range improvement; or
 - 6. Open space.
- E.** Littoral parcels that contain one or more of the primary uses listed in Section 81.3, on the effective date of the Regional Plan, shall not have a potential residential unit of use , except that a parcel with the primary use of dispersed water-oriented outdoor recreation, salvage operations, or safety and navigation facilities shall have a potential residential unit of use .
- F.** Parcels which are burdened by an easement or other restriction incompatible with a residential use;
- G.** Parcels which were created as a result of an eminent domain or similar government action or are otherwise remnants of a prior transaction, and which do not contain sufficient area to construct a single-family residence; and
- H.** Parcels which were created for the purpose of public service uses or easements, including, but not limited to, public utilities and public recreation.

50.3.2. Transfer of Potential Residential Units of Use

Transfer of potential residential units of use shall comply with the density limitations set forth in this chapter and the transfer provisions set forth in Chapter 51: *Banking, Conversion, and Transfer of Development Rights*.

50.3.3. Construction of Residential Unit

A potential residential unit of use or or residential bonus unit shall be required for each additional residential unit approved in accordance with Chapter 50: *Allocation of Development*.

50.3.4. Parcels Containing a Residential Unit Destroyed by Calamity

A parcel containing a residential unit on the effective date of the Regional Plan, which unit is destroyed or damaged by fire or other similar calamity, shall have a development right.

50.4. ALLOCATION AND ACCOUNTING OF DEVELOPMENT RIGHTS

50.4.1. Total Allocations and Accounting of Development Rights

The maximum amount of residential allocations, commercial floor area, tourist bonus units, and residential bonus units that may be released before December 31, 2032, is outlined in the following table. The columns “Used 1987-2012” and “Remaining from 1987 Plan” are estimates and not regulatory.

TABLE 50.4.1-1: ALLOCATION AND DEVELOPMENT RIGHTS ACCOUNTING				
ALLOCATIONS/ RIGHTS	DEVELOPMENT	USED 1987-2012	REMAINING FROM 1987 PLAN ¹	2013 ADDITIONS
Residential Allocations		5,973	114	2600
Residential Bonus Units		526	874	600 ²
Tourist Bonus Units		58	342	0
Commercial Floor Area (Total) (square feet)		416,421	383,579	200,000 ³
	Placer County	128,623	72,609	
	Washoe County	87,906	2,000	
	Douglas County	45,300	36,250	
	El Dorado County	15,250	36,150	
	City of South Lake Tahoe	77,042	52,986	
	TRPA Special Project and CEP Pool	62,300	183,584	
Note 1: 158,816 sq. ft. of Commercial Floor Area, 245 Residential Bonus Units and 90 Tourist Bonus Units have been reserved or allocated to projects (e.g., Community Enhancement Projects) that have not been permitted or permitted but not built are accounted for in the “Remaining from 1987 Plan” column. The 114 remaining residential allocations were distributed to local governments in 2012, but have not been built.				
Note 2: 600 Residential Bonus Units shall be used only in Centers.				
Note 3: 200,000 sf of CFA shall only be made available after the 383,579 sf of remaining CFA is exhausted.				
Note 4: Table 50.4.1-1 represents accounting of commodities as of December 12, 2012. For the most current accounting of these commodities please contact TRPA.				

50.4.2. 2013 Additional Allocations

TRPA shall release allocations in four-year cycles up to a maximum of 20 percent of the 2013 additions identified in Table 50.4.1-1.

50.4.3. LOS and VMT Monitoring

Two years after each release, TRPA shall monitor existing and near-term LOS to evaluate compliance with applicable LOS policies. Should LOS projections indicate that applicable LOS policies will not be met, TRPA shall take action to maintain compliance with LOS standards. TRPA shall also monitor VMT and only release residential allocations upon demonstrating, through modeling and the use of actual traffic counts, that the VMT Threshold Standard shall be maintained over the subsequent four-year period.

50.5. ALLOCATION OF ADDITIONAL RESIDENTIAL UNITS

TRPA shall allocate the development of additional residential units as follows:

50.5.1. Requirement of Residential Allocation

No person shall construct a residential project or commence a residential use that creates one or more additional residential units without first receiving an allocation approved by TRPA and awarded by the appropriate jurisdiction. This requirement does not apply to affordable, moderate, or achievable housing units approved after January 1, 1986, but shall apply to conversions of such affordable, moderate, or achievable housing to market-priced status. In order to construct the project or commence the use for which the allocation or the exemption has been approved, the recipient of the allocation or exemption shall comply with all other applicable provisions of this Code.

A. Applicable Residential Uses

The following residential uses referred to in Chapter 21: *Permissible Uses*, contain residential units: secondary residences; employee housing; mobile home dwellings; multi-family dwellings; multi-person dwellings; nursing and personal care facilities; residential care facilities; single-family dwellings; and summer homes.

B. Definition of "Additional Residential Unit"

"Residential unit" is defined in Chapter 90: *Definitions*. For purposes of this chapter, 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 following are not "additional" residential units:

1. The reconstruction or replacement, on the same parcel, of a residential unit legally existing on or approved before January 1, 1986;
2. The reconstruction or replacement, on the same parcel, of a residential unit that was allocated and approved pursuant to this Code;
3. Legally established additions and accessory uses to an existing residential structure that do not create additional residential dwelling units;
4. The relocation of an existing residential unit legally established on January 1, 1986, other than a mobile home dwelling, through a transfer approved by TRPA;
5. 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;
6. An existing, legally established mobile home pad with water, sewer, electrical services, and vehicular parking, whether or not a mobile home is located on the pad; or
7. One or more new residential units permitted by TRPA prior to February 24, 2010, provided that;

- a. Application is made to TRPA prior to the expiration of the permit, as determined in subsection 2.2.4, to reissue a permit for a project for which an allocation(s) was assigned;
- b. All permit conditions, fees, securities, building and site design conditions of approval, plan revisions, and other requirements of the original permit are updated to meet the requirements of the Code and all other applicable TRPA ordinances, rules, or regulations at the time of permit reissuance; and
- c. This subparagraph 7 has not previously been used in relation to the same project.

C. Maximum Number of Residential Units and Distribution of Allocations Among Jurisdictions

1. Annual Release

Up to 120 residential allocations shall be released to local governments in the following proportions:

TABLE 50.5.1-1: MAXIMUM YEARLY ALLOCATIONS		
Jurisdiction	Current % of Allocations	Maximum Allocation
Douglas County	8	10
EL Dorado County	25	30
Placer County	31	37
City of South Lake Tahoe	28	33
Washoe County	8	10
Total	100%	120

2. Additional Bonus Residential Units

In addition to the annual maximum allocations in Table 50.5.1-1, a total of 1,124 (as of December 24, 2018) additional potential residential units of use from the TRPA pool shall be available as bonus units in conjunction with transfer of development rights and/or other TRPA incentive programs designed to attain the goals and objectives of the Regional Plan. Potential residential units of use shall be subject to the foregoing allocation limitations.

3. Reassignment of Allocations

Local jurisdictions may assign allocations to other local jurisdictions. All reassignments must be reported to TRPA before they become effective.

4. Water and Sewage Capacity Limitations

- a. 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.

- b. 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.

D. Residential Allocation Incentive Pool

Beginning on January 1, 2015, 20 residential allocations shall be placed in the residential allocation incentive pool. Thereafter, for every four-year allocation release pursuant to subsection 50.4.2, 40 allocations shall be placed in the residential allocation incentive pool. At the beginning of each year, unused allocations from the previous year shall be assigned to the residential allocation incentive pool administered by TRPA. However, beginning January 1, 2009, local jurisdictions may elect to retain those allocations earned through the annual performance review process, and assigned pursuant to subparagraph 4 below, and unused by December 31 of the year distributed.

1. TRPA may assign allocations from the residential allocation incentive pool to parcels throughout the region provided the recipient retires a sensitive parcel within the region.
2. TRPA may assign up to, but not exceeding, 200 allocations from the residential allocation incentive pool to parcels throughout the region provided the local jurisdiction maintains a Certified Local Government Moderate Income Housing Program as described in subsection 52.3.6.
3. TRPA may assign allocations from the residential allocation incentive pool for Residential Development Right Transfers to Centers as described in subparagraph 51.5.1.C.3 when a transfer earns a bonus unit or portion thereof.
4. In addition to allocations earned through the annual Performance Review System, TRPA may assign allocations to local jurisdictions as follows:
 - a. One allocation for every 10,000 square feet of existing Land Capability Class 1b (SEZ) coverage removed and permanently retired in accordance TRPA Code Section 30.5.3.; and/or
 - b. One allocation for every two new attached residential units constructed within Centers provided the allocation is used within a Center; and/or
 - c. One allocation for each project constructed from the 5-year EIP project list tied to a measurable EIP Performance Measure and not already credited under the TMDL provision in subsection 50.5.2.E.1 below, and/or
 - d. One allocation for improving three of nine of the TLOS criteria from the previous year by five to ten percent as determined by the jurisdiction-specific TLOS Criteria Matrix in the TLOS Guidelines

Handbook. To receive an allocation pursuant to this provision TLOS criteria must be submitted the prior year.

To maintain sufficient allocations for the programs described in subsection 50.5.2.B below, the number of allocations distributed to all local jurisdictions pursuant to this provision in a calendar year shall not exceed 50 percent of the residential allocation incentive pool. Unless otherwise agreed upon by all participating local jurisdictions, in no case shall an individual jurisdiction be assigned more than 25 percent of the pool. If insufficient allocations exist in the residential allocation incentive pool to meet the demand earned by local jurisdictions, the allocations available and earned in accordance with a.-d. above shall be distributed based on the percent distribution set forth in Table 50.5.1-1.

E. Disposition of Unused Allocations

When the final conditions of a residential permit issued by TRPA are not met and that permit expires, the residential allocation associated with the permit is transferred to the TRPA pool or the local jurisdictional pool from where the allocation was distributed, and no residential unit of use is created.

50.5.2. 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.

A. Reserved Allocations

Distribution of allocations shall be by a method or system that permits the participation of parcels with scores below the numerical level defining the top rank in the applicable jurisdiction.

1. TRPA shall reserve ten percent of each jurisdiction's annual allocations for distribution to parcels below the Individual Parcel Evaluation System (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 applicable, provides an equal or superior opportunity for participation of parcels below the IPES line.
2. 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 of the year awarded shall be given to the appropriate jurisdiction for issuance.
3. Failure to submit a complete application for a transfer by June 1 of the year in which the allocation was distributed shall result in the forfeiture of the allocation to the jurisdiction of origin.

B. Distribution of the Residential Allocation Incentive Pool

TRPA shall distribute allocations from the allocation pool as follows:

1. Owners of eligible parcels may apply to TRPA on a first-come, first-served basis for available allocations in the allocation pool.
2. Owners of parcels located within jurisdictions that maintain a Certified Local Government Moderate Income Housing Program as described in subsection 52.3.6, may apply to TRPA on a first-come, first-served basis for any available allocations in the allocation pool. Allocations received under the Certified Local Government Moderate Income Housing Program are not limited to areas designated for the Multi-residential Incentive Program.
3. Annual allocations, sensitive lot retirements, and moderate-income housing allocations shall be made available on a first-come, first-served basis.

C. Distribution Requirements

Distribution of allocations, within the limits set in subsection 50.5.1 and consistent with subparagraph 50.5.2.A, shall be determined by the counties and city. If any county or city chooses not to distribute allocations within its jurisdiction, then TRPA shall distribute the allocations pursuant to an allocation system adopted by TRPA.

1. Each county and the city shall notify TRPA, in writing, of its election to not distribute allocations for a given year or years. Notification shall be received by TRPA no later than December 31 of the preceding year. The Governing Board may waive this deadline for good cause.
2. TRPA shall deliver allocations to the counties and city no later than January 15 of the year for which the allocations are reserved, or within 15 days of the effective date of an ordinance providing for award and distribution of residential allocations for that year, whichever is later.
3. Delivery of allocations shall be accomplished by providing each county and city with the number of allocation certificates that corresponds to the original allocations available to the jurisdiction in that year. The counties and city shall determine the receiving parcels pursuant to their respective allocation systems and shall indicate the county assessor's parcel number (APN) of the receiving parcel on the allocation certificate. The counties and city shall provide TRPA with a list of assessor parcel numbers that received an allocation. The original allocation forms shall be delivered to the owner of record of the receiving parcel and shall, in addition to the list, constitute evidence of receipt of an allocation.
4. TRPA shall number each allocation as shown in the following table:

TABLE 50.5.2-1: NUMBERING OF ALLOCATIONS

Indicator	Name	Examples
First set of letters	County or city of origin	WA, DG, PL, EL, SLT
First set of numbers	Year of issuance	87,88,89,90,91
Second set of letters	Type of allocation	O = original R = reissued LS = litigation settlement AP = allocation pool
Second set of numbers	Sequence of allocation	Douglas County: 1 through 23

Example: PL – 87 – R – 56

5. The counties and city shall notify each owner of a parcel receiving an allocation.
6. In the event an allocation is returned or forfeited for any reason, the county or city shall notify TRPA by returning the original allocation certificate and requesting a reissued allocation for assignment to another parcel. If the original allocation certificate cannot be returned to TRPA, the county or city shall notify TRPA of the reason, and the allocation shall be cancelled by depositing a notice of cancellation in the U. S. Mail, first class, postage prepaid, addressed to the last known address of the owner of the receiving parcel.

D. Administration

An allocation shall entitle the owner of the receiving parcel to either apply for a TRPA permit to construct an additional residential unit or to transfer the allocation to another parcel pursuant to Chapter 51: *Banking, Conversion, and Transfer of Development Rights*. Distribution of, and other transactions concerning allocations, shall be tracked, accounted for, and otherwise treated in accordance with Chapter 6: *Tracking, Accounting, and Banking*.

1. Upon receipt of the allocation certificate from the county, TRPA, or city, the owner of the parcel may file an application with TRPA to either construct a residential unit or transfer the allocation. Residential allocation application submission deadlines are set by local jurisdictions.

E. Performance Review System

1. Allocation Performance Table

Each jurisdiction shall receive a base allocation according to Table 50.5.2-2. The base allocation may be reduced incrementally according to subparagraphs 2 and 3 following the table.

- a. Each jurisdiction's final allocation for the year shall be determined by TRPA by October 1.

- b. Beginning in 2015, allocations shall be released in two year increments. The Performance Review Committee (PRC) shall review the performance of the local jurisdictions and TRPA every two years. The review committee shall consist of representatives of the participating counties, city, and TRPA. The committee shall review the performance criteria, and rate of allocation distribution, contained in subparagraphs 2 and 3 below. TRPA may establish guidelines to establish consistent evaluations and/or audits for subparagraphs 2 and 3 to assist the Performance Review Committee's review. No jurisdiction shall receive more allocations than the maximum or fewer allocations than the minimum allocations for that jurisdiction shown in Table 50.5.2-2. When the total number of allocations available for distribution is fewer than the number shown in the table, TRPA shall apply the performance system proportionality to the remaining allocations.

TABLE 50.5.2-2: ALLOCATION PERFORMANCE TABLE FOR 2015-2032

Jurisdiction	Minimum Allocation with Deductions	Deduction Increments	Base Allocation
Douglas County	2	2	10
El Dorado County	8	5.5	30
Placer County	11	6.5	37
City of South Lake Tahoe	10	5.75	33
Washoe County	3	1.75	10
Total	34		120

Note: One deduction increment equals the number of allocations shown for individual jurisdictions. If the final allocation results in a decimal ending in 0.5 or higher the allocation will be rounded up to the nearest whole number, if the decimal is below 0.5 the allocation will be rounded down to the nearest whole number.

2. Total Maximum Daily Load (TMDL) Implementation

By October 1 of each year, TRPA shall request annual conformance reports for the prior year from the Lahontan Regional Water Quality Control Board and Nevada Department of Environmental Protection. The base allocation for each jurisdiction may be awarded or reduced by the PRC as follows:

- a. For 2015 a jurisdiction shall receive their base allocation for conformance with California National Point Discharge Elimination System (NPDES) permits and Nevada Interlocal Agreements; and
- b. Beginning in 2016, a jurisdiction shall receive their base allocation for achieving above 90 percent or greater conformance with State approved annual Lake Clarity Credit targets; or
- c. A jurisdiction shall be penalized one increment of deduction for less than 90 percent to 75 percent conformance with State approved annual Lake Clarity Credit targets; or
- d. A jurisdiction shall be penalized two increments of deduction for less than 75 percent conformance with State approved annual Lake Clarity Credit targets.

3. Permit Monitoring and Compliance

By October 1 of each year, TRPA shall conduct a representative sample audit of not less than ten percent of the single-family residential permits issued in the prior year and compliance inspections performed the prior year by the counties, city, and TRPA. The base allocation may be awarded or reduced by the PRC according to the score as follows:

- a. A jurisdiction shall receive its base allocation for an average score of 90 percent or greater for both the project review portion and the compliance portion of the audit; or
- b. A jurisdiction shall be penalized one increment of deduction for average audit scores for both the project review portion and the compliance portion of the audit between 75 and 90 percent; or
- c. A jurisdiction shall be penalized two increments of deduction for average audit scores for both the project review portion and the compliance portion of the audit below 75 percent.

- 4.** Allocations not distributed under the Performance Review System shall be assigned to TRPA's residential allocation incentive pool.

F. Monitoring Requirement

TRPA hereby establishes a monitoring fee that shall be collected by the entity issuing the allocation from each allocation recipient. The fee shall be used to monitor water quality impacts and permit conformance in accordance with the Rules of Procedure. The allocation monitoring fee shall be established in the Rules of Procedure.

50.5.3. Multi-Residential Allocations

A portion of the residential allocations set forth in subparagraph 50.5.1.C may be reserved for multi-residential use. These reserved allocations shall be used in connection with transfer of development rights pursuant to Chapter 51: *Banking, Conversion, and Transfer of Development Rights*.

A. Reservation Pool

On an annual basis, a pool of allocations representing the desired level of multi-residential development for a given jurisdiction may be established by TRPA after consultation with the jurisdiction. Allocations assigned to the pool shall be within the limitations of Table 50.5.1-1. Unused allocations may be carried over to the next year's pool.

B. Allocations for Residential Projects

Except for allocations obtained by transfer pursuant to Chapter 51, or obtained directly as provided in subsection 50.5.2, allocations for residential projects shall be made upon project approval. Previously issued allocations or a letter from the appropriate county or city indicating allocations that are available from the reservation pool or have been reserved from a future year's allocation shall be required as part of the project application. TRPA may review residential projects for which allocations are reserved from future years, except that project approval shall be limited to units for which allocations are available at the time of approval.

50.6. ALLOCATION OF ADDITIONAL COMMERCIAL FLOOR AREA

TRPA shall allocate the development of additional commercial floor area as follows:

50.6.1. Requirement of Allocation

No person shall construct a project or commence a use that creates additional commercial floor area without first receiving an allocation approved by TRPA or obtaining necessary development rights pursuant to Chapter 51: *Banking, Conversion, and Transfer of Development Rights*. In order to construct the project or commence the use, the recipient shall comply with all other applicable provisions of this Code.

A. Applicable Commercial Uses

The commercial uses identified in Chapter 21: *Permissible Uses*, contain commercial floor area. The allocation of additional commercial floor area pursuant to this chapter also applies to commercial activities that are not primary commercial uses, except that accessory uses shall be deemed not to contain additional commercial floor area provided that TRPA makes the following findings:

1. The accessory use meets all criteria specified by Chapter 21 for an accessory use; and
2. The accessory use is designed to serve the noncommercial primary use, as determined by reference to the following criteria:
 - a. There is no separate entrance for the accessory use, except separate entrances may be established for the relocation of existing accessory commercial uses (uses legally established prior to January 1, 2013) to street level;
 - b. The accessory use is compatible with the size and patronage of the primary use;
 - c. The accessory use does not rely on separate parking;
 - d. The accessory use is not separately advertised, except one 20 square foot projecting or building sign may be constructed with the relocation of existing accessory commercial uses (uses legally established prior to January 1, 2013) to street level;
 - e. The use season of the accessory use corresponds to that of the primary use; and
 - f. In applicable instances, the accessory use is principally for service or repair rather than sales.

Examples

Examples of accessory uses of a commercial nature not subject to the allocation of additional commercial floor area include, but are not limited to: ski rental shops in ski areas; gift shops in airports; tackle shops used by patrons of marinas; newsstands in motels; pro shops at golf courses; and cafeterias in hospitals.

B. "Additional" Commercial Floor Area

Commercial floor area is considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987.

- 1.** Additional commercial floor area includes, but is not limited to, the following:
 - a. The construction of commercial floor area that did not exist before January 1, 1987;
 - b. Conversion of legally existing or approved floor area from noncommercial use to commercial use; and
 - c. The construction of, or conversion to, floor area that is primarily used for commercial enterprise regardless of whether it is classified as "public service" or is publicly owned, except when such floor area is for an accessory use excluded in subparagraphs 50.6.1.A.1 and 2 or such floor area is excluded by subparagraph 50.6.1.B.2.
- 2.** Additional commercial floor area excludes the following:
 - a. Changes in commercial use that do not involve any increase in commercial floor area;
 - b. Additions to, or expansions of, legally existing commercial floor area of 500 square feet or five percent of the existing commercial floor area, whichever is less; provided:
 - (i) The existing structure and any subsequent additions or expansions physically exist and were completed at least one year prior to an application pursuant to this subparagraph;
 - (ii) The exempt addition or expansion is not applied for or built in conjunction with any other addition or expansion;
 - (iii) There is no change in use;
 - (iv) Any increase in traffic is insignificant as defined in Section 66.2: *Traffic and Air Quality Mitigation Program*;
 - (v) The exempt addition or expansion occurs within a single project area; and
 - (vi) The exempt addition or expansion does not occur within the same project area more frequently than once every ten years;
 - c. The relocation, replacement, or reconstruction on the same parcel of commercial floor area that either existed as of January 1, 1987, or that contains floor area allocated and approved pursuant to this Code;
 - d. The replacement, reconstruction, or relocation of commercial floor area legally existing as of January 1, 1987, pursuant to a TRPA-approved redevelopment plan;
 - e. The TRPA-approved transfer of legally existing commercial floor area;

- f. The construction of floor area associated with a publicly owned assembly and entertainment facility with a fire-rated capacity of less than 1,100 people; and
- g. New commercial floor area permitted by TRPA prior to February 24, 2010, provided that:
 - (i) Application is made to TRPA prior to the expiration of the permit, as determined in subsection 2.2.4, to reissue a permit for a project for which an allocation was assigned;
 - (ii) All permit conditions, fees, securities, building and site design conditions of approval, plan revisions, and other requirements of the original permit are updated to meet the requirements of the Code and all other applicable TRPA ordinances, rules, or regulations at the time of permit re-issuance; and
 - (iii) This subparagraph g has not previously been used in relation to the same project.

C. Allocations to Sensitive Lands

Allocations of commercial floor area to projects located in land capability districts 1, 2, 3, or 1b (Stream Environment Zone) shall not be permitted unless:

- 1. The allocation is matched by a transfer from an equal or more sensitive land capability district at a ratio of one square foot of commercial floor area allocation to two square feet of transferred commercial floor area; or,
- 2. The parcel receiving the allocation is in an area covered by an adopted community plan where one or more SEZ restoration projects have been completed and the local jurisdiction has submitted an EIP project list pursuant to the residential allocation requirements in subparagraph 50.5.2.E.

50.6.2. Commercial Floor Area Allocated or Transferred to Project in Designated Preferred Industrial Area

Commercial square footage allocated or transferred to a project in a designated preferred industrial area may be doubled if the area has implemented area-wide BMPs, or the local government of jurisdiction has committed to implement area-wide BMPs on its five-year CIP list submitted to TRPA. Transfers of commercial floor area out of a preferred industrial area shall be reduced by 50 percent unless the floor area was acquired through a TRPA-approved transfer on a 1:1 ratio or through a community plan allocation system. Transfers and relocations of commercial floor within a preferred industrial area shall be at a 1:1 ratio.

50.6.3. Maximum Amount and Distribution of Allocations for Additional Commercial Floor Area for Years 1987 to 1996 and Beyond

A maximum of 400,000 square feet of additional commercial floor area may be permitted from January 1, 1987 to December 31, 1996, except as set forth in subparagraph (3)C below. The allocation and distribution of this floor area shall be as follows:

A. Within Community Plans

From January 1, 1987 to December 31, 1996, except as set forth in subparagraph (3)C below, the maximum amount of additional commercial floor area allocated to community plan areas is 376,340 square feet.

1. Administration

The 376,340 square feet of additional commercial floor area shall be allocated by TRPA, distributing 286,340 square feet initially to the local jurisdictions. The 286,340 square feet shall be assigned to community plans pursuant to subparagraph a, below. TRPA shall retain 54,000 square feet in reserve as bonus square footage to be assigned to community plans upon their adoption pursuant to subparagraph b, below. TRPA shall retain 36,000 square feet for approval of commercial projects prior to adoption of community plans. The foregoing allocations, including the division of the 286,340 square feet among local jurisdictions, are reflected in the following Table 50.6.3-1.

TABLE 50.6.3-1: COMMERCIAL FLOOR AREA ALLOCATIONS WITHIN COMMUNITY PLAN AREAS ("CP")				
Jurisdiction	Initial Allocation to CPs (75%)	Bonus Adopted CPs (15%)	Before CP Adoption (10%)	Total
South Lake Tahoe/El Dorado County	79,100			
Placer County	112,500			
Washoe County	55,990			
Douglas County	38,750			
Total Square Feet	286,340	54,000	36,000	376,340

a. Initial Allocation

TRPA shall distribute the initial allocation of additional commercial floor area to a community plan by taking into consideration such factors as demonstrated need, the expected ability to achieve or maintain environmental thresholds, the reasonableness of projected time schedules, the degree of certainty for obtaining the needed funds for implementation, compatibility with other community plans, and other relevant factors. The amount initially allocated shall be from the 75 percent portion designated for local jurisdictions for planning purposes as shown in the above Table 50.6.3-1 in the first column. After TRPA has reviewed a sufficient number of proposed community plans to adequately assess the cumulative impacts of development and proposed mitigation, TRPA shall distribute any remaining or additional commercial floor area retained pursuant to subparagraph 1. This distribution shall reward those community plans which that best demonstrate the ability to achieve and maintain environmental thresholds, and have a clearly demonstrated need for the additional allocation. TRPA shall retain a sufficient reserve to adequately address the needs of community plans

not yet presented for review. It is TRPA's goal, acting in partnership with local interests, to achieve completion of community plans by December 31, 1989, in all areas where sufficient local interest and initiative exists to do such planning. Accordingly, TRPA expects to allocate the remaining unallocated floor area by that date, so long as the allocation is supported by local needs assessments.

2. Before Adoption of a Proposed Community Plan

- a. Projects having an aggregate commercial floor area not exceeding the 36,000 square feet set forth in (a) of subparagraph A and located within the boundaries of proposed community plans, may be approved by TRPA. The 36,000 square feet allocation shall be apportioned to the local jurisdictions as provided in Table 50.6.3-2:

TABLE 50.6.3-2: COMMERCIAL FLOOR ALLOCATIONS BEFORE ADOPTION OF COMMUNITY PLAN	
Jurisdiction	Floor Area
South Lake Tahoe/El Dorado County	10,008
Placer County	14,976
Washoe County	6,516
Douglas County	4,500

- b. A local jurisdiction may transfer its above allocated commercial floor area to another jurisdiction pursuant to a memorandum of understanding between the participating jurisdictions and approved by TRPA. Within the limits set forth in this paragraph, the local jurisdiction shall select and recommend projects for TRPA consideration. No project shall be accepted for review by TRPA without a written recommendation from the local jurisdiction. No single commercial project shall be allocated more than 4,500 square feet of the 36,000 square feet in a ten year period for use within the project area.

3. After Adoption of a Community Plan

Upon the adoption of a community plan, the rate of utilization of square footage of additional commercial floor area shall be in accordance with the provisions of the community plan. When all community plans within a jurisdiction are adopted, any remaining unallocated initial floor area assigned to the jurisdiction shall be assigned by TRPA to the adopted community plan areas within the jurisdiction.

B. Outside Community Plans

From January 1, 1987 to December 31, 1996, except as set forth in subparagraph 3 below, the maximum amount of additional commercial floor area allocated to areas outside community plan boundaries is 40,000 square feet.

1. Administration

- a. A maximum of 40,000 square feet of additional commercial floor area shall be allocated and distributed by TRPA for commercial development outside community plan boundaries, proposed or adopted. The 23,660 square feet shall be apportioned to the local jurisdictions as provided in Table 50.6.3-3 follows:

TABLE 50.6.3-3: COMMERCIAL SQUARE FEET ALLOCATION OUTSIDE OF COMMUNITY PLAN AREAS	
Local Jurisdiction	Sq. Ft.
South Lake Tahoe/El Dorado County	7,020
Placer County	16,640
Washoe County	0
Douglas County	0

- b. A local jurisdiction may transfer its allocation of commercial floor area from Table 50.6.3-3 to another jurisdiction pursuant to a memorandum of understanding between the participating jurisdictions and approved by TRPA. Within the limitations set forth in this paragraph, the local jurisdiction shall select and recommend projects for TRPA consideration. No project shall be accepted for review by TRPA without a written recommendation from the local jurisdiction.

2. Limitations

No single commercial project shall be allocated more than 4,500 square feet of the 40,000 square feet in a ten year period for use within the project area.

C. Allocation Time Limit Extension

The allocation time limits specified in subparagraphs 1 and 2 above shall no longer be applicable.

50.6.4. Maximum Amount and Distribution of Allocations for Additional Commercial Floor Area for Years 1997 and Beyond

A maximum of 400,000 square feet of additional commercial floor area may be permitted in the region as of January 1, 1997. The allocation and distribution of this floor area shall be as follows:

A. Within Adopted Community Plans

A maximum of 150,000 square feet of commercial floor area may be permitted in areas covered by adopted community plans provided that all irrevocable commitments, as defined in the applicable community plan as a requirement to release allocations, have been satisfied. The applicable local jurisdiction shall distribute the allocation subject to the adopted allocation system for that community plan. The distribution of this floor area shall be as follows:

1. TRPA shall apportion 10,000 square feet of commercial floor area to Washoe County, Douglas County, Placer County, El Dorado County, and the City of South Lake Tahoe. Allocations not assigned by December 31, 1998, shall be reassigned to the Special Projects as set forth in subparagraph D below.
2. By January 1, 1999, TRPA shall apportion 50,000 square feet of commercial floor area allocation to Washoe County, Douglas County, Placer County, El Dorado County, and the City of South Lake Tahoe. The allocation assignment shall be based on a ranking comparison of the jurisdiction's accomplishment of environmental improvements set forth in the adopted community plans within that jurisdiction. The performance review committee (referred to in subparagraph 50.5.2.E) shall recommend the ranking to TRPA by October 31, 1998. The apportionment shall be according to Table 50.6.4-1.
3. TRPA shall apportion 50,000 square feet of commercial floor area to Washoe County, Douglas County, Placer County, El Dorado County, and the City of South Lake Tahoe. The allocation assignment shall be based on a ranking comparison of the jurisdiction's performance on the approved Five-Year Water Quality and Air Quality EIP Lists within the jurisdiction between January 1, 2002 and December 1, 2005. The apportionment shall be according to Table 50.6.4-1:

TABLE 50.6.4-1: COMMERCIAL FLOOR AREA ALLOCATIONS BY RANKING	
Ranking	Allocations
1.	20,000
2.	15,000
3.	8,000
4.	5,000
5.	2,000

B. Within Preliminary Community Plans

1. Projects having an aggregate commercial floor area not exceeding 36,000 square feet and located within the boundaries of preliminary community plans may be approved by TRPA. The 36,000 square feet allocation shall be apportioned to the local jurisdictions as follows:

TABLE 50.6.4-2: APPORTIONMENT OF 36,000 SQUARE FEET ALLOCATION	
Local Jurisdiction	Sq. Ft.
South Lake Tahoe/El Dorado County	10,008
Placer County	14,976
Washoe County	6,516
Douglas County	4,500

2. A local jurisdiction may transfer its above allocated commercial floor area to another jurisdiction pursuant to a memorandum of understanding between the participating jurisdictions and approved by TRPA. Within the limits set forth in this paragraph, the local jurisdiction shall select and recommend projects for TRPA consideration. No project shall be accepted for review by TRPA without a written recommendation from the local jurisdiction. No single commercial project shall be allocated more than 4,500 square feet of the 36,000 square feet in a ten year period for use within the project area.

C. Outside Community Plans

Allocations permitted in subparagraph A above may be distributed in areas not covered by adopted community plans, subject to the limitations in this subparagraph 50.6.4.C and provided the local jurisdiction has adopted a commercial allocation system that assists in implementing Environmental Improvement Program projects outside community plan areas.

D. Special Projects

A maximum of 187,770 square feet of commercial floor area remains for distribution to special projects after January 1, 2007. This total includes the 100,000 square feet of commercial floor area that had been held in reserve through 2006 and that may be permitted in adopted community plans or adopted TRPA master plans, in which all irrevocable commitments have been made. TRPA shall administer the special project allocations. The distribution of this floor area shall be as provided below.

1. Goals

The program goals are to promote major projects that result in the construction of threshold-related environmental improvements, to promote transfer of development that results in substantial environmental benefits, and to rehabilitate substandard development.

2. Eligibility

All projects in adopted community plans, adopted TRPA master plan areas, or in designated plan areas that are preparing a community plan or a TRPA master plan are eligible for special project allocations. No permits shall be issued for special projects until and unless TRPA has approved a community plan or TRPA master plan for the subject area.

3. Evaluation Criteria

Approval of special projects shall be evaluated and conditioned upon the implementation of environmental improvement projects or transfers of development out of sensitive lands. These projects shall:

- a. Assist in the attainment of the environmental thresholds by constructing projects listed in the TRPA Environmental Improvement Program, that address a threshold standard found not to be in attainment per the 2001 Threshold Evaluation; and

- b. Provide substantial environmental benefits or mitigation in excess of TRPA's project mitigation requirements.

4. Public Assistance

Public and private partnerships are encouraged. Public assistance through redevelopment agencies, conservancies, local governments, and other means may be considered in evaluating special projects.

5. Maximum Amount

The maximum allocation that may be approved for a special project area within a calendar year is 50,000 square feet of floor area.

6. Time Limit

Initial assignments of allocations shall expire in one year unless extended by TRPA upon a showing of adequate progress toward a project approval.

7. Applications

TRPA shall consider applications for available special project allocations annually. Applications shall include a project prospectus that includes site plans, elevations, and preliminary environmental documentation.

8. Notifications

TRPA shall give adequate public notice 90 days in advance of any action assigning special project allocations. Notifications shall include the general criteria by which the special project shall be evaluated.

9. Advisory Planning Commission (APC) Recommendation

The Advisory Planning Commission (APC) shall review the applications for special project allocations and make a recommendation to the Governing Board on the awards of commercial and tourist allocations. The performance review committee, referred to in subparagraph 50.5.2.E, shall assist the APC and staff in developing review criteria.

E. Commercial Floor Area for 2013

For 2013, CFA that is currently held by local governments shall remain with local governments and be distributed in accordance with current Code provisions. CFA that is currently held by TRPA shall be retained by TRPA for development transfer matches and other region-wide programs.

50.6.5. Administration of Allocations for Additional Commercial Floor Area

For purposes of subsection 50.6.4 and for purposes of determining a rate of allocation in a community plan, the date of issuance by TRPA to a project of an allocation for additional commercial floor area shall establish the year to which the allocation is attributed.

- A.** Allocations shall not be issued except in connection with project approvals. The date of issuance of the allocation shall be the date the project is approved by TRPA. The allocation shall be set forth in the approval for the project.

- B.** An allocation for additional commercial floor area shall not be transferred to or otherwise used for a project other than that for which it was approved. If the allocation is not used prior to the expiration of the permit for the project, it shall expire with the permit, and the square footage of commercial floor area represented by the allocation shall automatically return to the pool from which it originated.
- C.** TRPA shall monitor the issuance, use, and expiration of allocations to assure compliance with this chapter, and shall make periodic reports to the public through the Governing Board on the status of the allocation of commercial floor area.

50.7. ALLOCATION OF ADDITIONAL TOURIST ACCOMMODATION UNITS

TRPA shall allocate the development of additional tourist accommodation units as follows:

50.7.1. Requirement of Allocation

No person shall construct a project or commence a use that creates additional tourist accommodation units without first receiving an allocation approved by TRPA or obtaining necessary development rights pursuant to Chapter 51: *Banking, Conversion, and Transfer of Development Rights*. In order to construct the project or commence the use, the recipient shall comply with all other applicable provisions of this Code.

A. Applicable Tourist Accommodation Uses

The tourist accommodation uses set forth in Chapter 21, contain tourist accommodation units.

B. Definition of "Additional" Tourist Accommodation Units

A tourist accommodation unit shall be considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987, in accordance with this section. The conversion of an existing non-tourist accommodation use to a tourist accommodation use constituting a tourist accommodation unit an additional tourist accommodation unit requiring an allocation under this chapter. The following are not "additional" tourist accommodation units:

- 1.** The reconstruction or replacement on the same parcel of a tourist accommodation unit legally existing or approved on January 1, 1987;
- 2.** The reconstruction or replacement on the same parcel of a tourist accommodation unit that was legally allocated and approved pursuant to this Code;
- 3.** Modifications to legally existing tourist accommodation structures and their accessory uses;
- 4.** The relocation of a legally existing tourist accommodation unit through a transfer approved by TRPA pursuant to Chapter 51; or
- 5.** The conversion of legally existing multi-family dwellings of six units or more, allocated and approved pursuant to this Code, to timesharing (residential

design) units, provided the conversion is provided for in the relevant plan area statement or adopted community plan.

C. Maximum Number and Distribution of Allocations for Additional Tourist Accommodation Units

1. A maximum of 400 additional tourist accommodation bonus units may be approved for construction.
 - a. Tourist accommodation bonus units shall be limited to special projects in accordance with subparagraph 50.6.4.D, and shall only be permitted when:
 - (i) Matched by transfers of existing units from sensitive lands that have been restored, or
 - (ii) As incentives for the transfer of existing development to centers in accordance with subsection 51.5.3, or
 - (iii) As incentives for the removal and retirement of excess coverage pursuant to subsection 30.6.3.
2. Distribution of units within the Area Plan, community plan or Ski Area Master Plan shall be pursuant to the provisions of the adopted community plan or Ski Area Master Plan and the following criteria:
 - a. The additional concentration of tourist accommodation units shall be consistent with the TRPA Regional Transportation Plan and would better promote transit and pedestrian forms of transportation;
 - b. The additional units shall be part of an overall program to rehabilitate and upgrade existing tourist accommodation units;
 - c. The existing infrastructure capacity, such as sewage disposal and highway capacities, shall be sufficient to accommodate the additional units; and
 - d. A demonstration of need for additional units shall be shown pursuant to Chapter 12: *Community Plans*.

50.7.2. Administration of Allocations for Additional Tourist Accommodation Units

For purposes of subparagraph 50.7.1.C and for purposes of determining a rate of allocation in a community plan, the date of issuance by TRPA to a project of an allocation for additional tourist accommodation units shall establish the year to which the allocation is attributed.

- A. Allocations shall not be issued except in connection with project approvals. The date of issuance of the allocation is the date the project is approved by TRPA. The allocation shall be set forth in the approval for the project.
- B. An allocation for additional tourist accommodation units shall not be transferred to or otherwise used for a project other than that for which it pertains. If the allocation is not used prior to the expiration of the permit for the project, it shall expire with the permit and the tourist accommodation units represented by the allocation shall automatically return to the pool from which they originated.

- C. TRPA shall monitor the issuance, use, and expiration of allocations to assure compliance with this chapter, and shall make periodic reports to the public through the Governing Board on the status of the allocation of tourist accommodation units.

50.8. REGULATION OF ADDITIONAL PUBLIC SERVICE FACILITIES

TRPA shall regulate the rate and distribution of additional public service development as follows:

50.8.1. Required Findings for Approval of Additional Public Service Facilities

Approval of additional public service facilities shall only be permitted for projects for which the sponsoring entity demonstrates and TRPA finds that:

- A. There is a need for the project;
- B. The project complies with the Goals and Policies, applicable plan area statements, and Code;
- C. The project is consistent with the TRPA Environmental Improvement Program;
- D. The project meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 4: *Required Findings*, as they are applicable to the project's service capacity;
- E. If the proposed project is to be located within the boundaries of a community plan area, then, to the extent possible consistent with public health and safety, the project is compatible with the applicable community plan; and
- F. Where a public service project is proposed for construction in a community plan area before the community plan has been adopted by TRPA, the sponsoring entity shall demonstrate that the need for such a construction schedule outweighs the need for the prior completion of the community plan process.

50.8.2. Definition of "Additional" Public Service Facilities

Public service facilities shall be considered "additional" if they are to be created pursuant to a TRPA approval issued on or after January 1, 1987. The conversion of an existing nonpublic service facility use to a use constituting a public service facility shall be an additional public service facility subject to this chapter. The following shall not be "additional" public service facilities:

- A. The reconstruction or replacement on the same parcel of legally existing public service facilities;
- B. Modifications to legally existing public service facilities and their accessory uses that do not create additional service capacity;
- C. Public or quasi-public utility service connections;

- D.** Replacement or reinforcement of pipelines or transmission lines that result in no significant increase in service capacity; and
- E.** Telephone lines, local distribution facilities, and similar facilities.

50.8.3. Provisions Regarding Commercial Floor Area Allocation for Public Service Projects

If the owner of the project area is the operator of the public service use pursuant to Chapter 21: *Permissible Uses*, then the provisions of subsection 50.8.1 apply. If the owner of the project area leases his property to an operator of a public service use, the facilities shall be considered a commercial use and subject to the allocation limitations of Section 50.6 unless:

- A.** A deed restriction describing the use restrictions is recorded and TRPA and the local government of jurisdiction are included as parties to the deed restriction;
- B.** The lease contains adequate assurances that the public service use will remain for a minimum of seven years;
- C.** Local government has committed to enforcement of any change of use through permits and business licenses; and
- D.** All lien holders on the property have been notified of the deed restrictions.

50.8.4. Transfer or Relocation Onsite of Commercial Floor Area Related to a Public Service Use

Transfer or relocation of commercial floor area from an existing commercial use may be permitted when a public service use is approved that displaces commercial floor area. The transfer shall be subject to the standards of Chapter 51, and the following standards:

- A.** The owner of sending project area shall comply with subparagraphs A through D of subsection 50.8.3 above;
- B.** The public service use displacing the commercial use is one of the following: Local Public Health and Safety Facilities, Regional Public Health and Safety Facilities, Collection Stations, Cultural Facilities, Day Care Centers/Pre-Schools, Government Offices, Local Post Offices, Social Service Organizations, or Transit Stations and Terminals;
- C.** The commercial floor area displaced is transferred to a site in a designated community plan area;
- D.** In order for a receiving project area to qualify for transferred commercial floor area, the receiving project area shall meet the criteria applicable to allocations under the applicable adopted community plan allocation system. If the community plan area does not have an adopted allocation system, the applicable local jurisdiction shall be required to adopt a system pursuant to the requirements of subparagraph 50.6.4.C before the transfer may occur; and

- E.** TRPA determines that, when combined with all other public service-commercial transfers since January 1, 1998, the additional public service floor area associated with the transfer is within the 60,000 square feet of additional public service floor area estimated to be created by such transfers.

50.9. REGULATION OF ADDITIONAL RECREATION FACILITIES

TRPA shall regulate the rate and distribution of additional recreation facilities as follows:

50.9.1. Required Findings for Approval of Additional Recreation Facilities

Approval of additional recreation facilities shall only be permitted for projects for which the sponsoring entity demonstrates and TRPA finds that:

- A.** There is a need for the project;
- B.** The project complies with the Goals and Policies, the applicable plan area statements, and Code;
- C.** The project is consistent with the following TRPA maximum allowances for outdoor recreation:

 - 1.** 6,114 people at one time ("PAOT") in overnight facilities;
 - 2.** 6,761 PAOT in summer day-use facilities;
 - 3.** 12,400 PAOT in winter day-use facilities; and
 - 4.** Plus the allocations set forth in the plan area statements, or the pools of reserved PAOT capacity;
- D.** The project meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 4: *Required Findings*, as they are applicable to the project's recreational service capacity; and
- E.** If the project requires PAOT allocations, it is consistent with the TRPA Environmental Improvement Program.

50.9.2. Definition of "Additional Recreation"

Recreation shall be considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987, and would result in an increase in vehicle trips that requires a traffic analysis pursuant to subparagraph 65.2.4.B, or increased floor space of five percent, or 500 square feet, or would increase PAOT capacity(See subsection 11.6.11). The conversion of an existing non-recreational use to a use constituting a recreation facility shall be additional recreation subject to this chapter. The following shall not be "additional" recreation facilities:

- A.** The reconstruction or replacement on the same parcel of recreation facilities legally existing on or approved before January 1, 1987;
- B.** Modifications to legally existing recreation and their accessory uses that do not create additional service capacity;

- C. Relocation of legally existing recreation facilities through a transfer approved by TRPA pursuant to Chapter 51; or
- D. Dispersed recreation.

50.9.3. Allocation of Additional Recreation PAOTs

No person shall construct a project or commence a use that requires additional PAOTs without first receiving an allocation approved by TRPA. In order to construct the recreation project or commence the additional recreation use, the person proposing same shall comply with all other applicable provisions of this Code.

A. Applicable Recreation Uses

The following recreation uses are subject to PAOT allocation consistent with the PAOT standards in subparagraph 50.9.3.B.

1. Summer Day Use

The following uses and activities are subject to summer day use PAOT allocations:

- a. Marinas, boat launching facilities, rural sports, golf courses, visitor information centers, and off-road vehicle courses;
- b. Recreation centers, participant sport facilities, sport assembly, beach recreation, and day use areas operated by the states' Departments of Parks and Recreation or their permittees, or by federal agencies or their permittees; and
- c. Tour boat operation and those portions of beach recreation, commercial boating, or water-oriented outdoor recreation concessions that provide additional outdoor recreation capacity.

2. Winter Day Use

Downhill ski facilities are subject to winter day use PAOT allocations.

3. Overnight Use

Developed campgrounds, group facilities, and recreational vehicle parks are subject to overnight use capacity PAOT allocation.

B. Definition of Additional PAOTs

A PAOT shall be considered "additional" if it is to be created pursuant to a TRPA approval issued on or after January 1, 1987, and results in an increase in the design capacity of a facility or increases the overall primary recreational use in the area of a project subject to PAOT limitation (see subsection 11.6.11). The conversion of an existing recreation use that does not require PAOTs to a use that does require PAOTs shall constitute additional PAOTs. The following shall not be "additional" PAOTs:

- 1. The reconstruction or replacement on the same parcel of recreation facilities legally existing on, or approved before, January 1, 1987;

2. Modifications to legally existing recreation and their accessory uses that do not create additional service capacity;
3. Relocation of legally existing recreation facilities through a transfer approved by TRPA pursuant to Chapter 51; and
4. Dispersed recreation.

C. Maximum Amount and Distribution of PAOT Allocations

A maximum amount of recreational PAOT capacity shall be targeted and permitted for development. TRPA shall keep a cumulative accounting of recreation allocation in PAOT as applicable.

1. General

PAOT capacity shall apply to the primary recreational use of a facility as follows:

- a. PAOT allocations shall not be issued except in connection with project approvals. The date of issuance of the allocation is the date the project is approved by TRPA. The PAOT allocation shall be set forth in the approval for the project.
- b. An allocation for additional PAOTs shall not be transferred to, or otherwise used for, a project other than that for which it was approved. If the allocation is not used prior to the expiration of the permit for the project, it shall expire with the permit, and the recreation capacity represented by the allocation shall automatically return to the pool from which it originated.
- c. TRPA shall monitor the issuance, use, and expiration of allocations to assure compliance with this chapter, and shall make periodic reports to the public through the Governing Board on the status of the allocations of PAOTs.
- d. New developed cross country ski and snowmobile courses shall be encouraged where appropriate as seasonal adjuncts to existing or new summer day use or overnight facilities.

2. Summer Day Use

Summer day use capacity shall be allocated and distributed as follows:

- a. There shall be a pool of 6,761 PAOT for summer day use facilities. A minimum of 2,000 of the summer day use PAOT pool shall be reserved for expansion of marinas and boat launching facilities.
- b. PAOT allocation for expansion of marinas and boat launching facilities shall require approval of a master plan except as noted in Section 14.2.
- c. PAOTs may be assigned to a plan area statement for future allocation.

3. Winter Day Use

Additional winter day use capacity shall be allocated and distributed as follows:

- a. There shall be 12,400 winter day use PAOTs for downhill ski areas. All winter day use PAOTs shall be distributed in the plan area statements.
- b. Expansion of use in downhill ski areas requires the adoption of a master plan pursuant to Chapter 14.

4. Overnight Use

Additional overnight use capacity shall be allocated and distributed as follows:

- a. There shall be 6,114 PAOTs for overnight uses, of which 5,114 shall be distributed in the plan area statements. The remaining pool of 1,000 overnight PAOTs may be allocated to overnight uses meeting the criteria set forth in subsection 50.9.1 and subparagraph 50.9.3.C.4.b below, provided such uses are located in plan areas where there are no PAOTs specified in the plan area or the amounts specified are insufficient for the proposed use.
- b. To be eligible for overnight PAOT allocation from the pool, the project area shall retain or be restored to a near natural state, include outdoor living amenities such as tables and fire pits, and offer access to outdoor recreational opportunities, such as hiking trails, public beaches, and fishing.

D. Other Recreational Facilities

Other permissible recreation facilities, including riding and hiking trails, undeveloped campgrounds, outdoor recreation concessions, and dispersed recreation support facilities, shall be subject to subsection 50.9.1, but shall not be subject to PAOT allocations.

50.10. ALLOCATION OF SHOREZONE STRUCTURES

Structures in the shorezone and lakezone shall be allocated pursuant to applicable provisions in Chapter 84, Development Standards in the Shorezone and Lakezone. The following subsections address allocation of shorezone structures:

84.3 Mooring Structures

84.4. Piers

84.5 Boat Ramps

50.11. OTHER PERMITS

A county or city building department shall not issue a permit for or relating to the construction, conversion, or use of units, floor area, service capacity, or other development subject to the requirements of this chapter unless the permit is issued in conjunction with a

TRPA approval in accordance with this chapter. This requirement applies to, but is not limited to, a permit for a foundation, grading, clearing, or removal of vegetation.

CHAPTER 52: BONUS UNIT INCENTIVE PROGRAM

52.1. PURPOSE

This chapter sets forth provisions for assigning residential bonus units in accordance with the Regional Plan Goals and Policies in the Land Use Element, Land Use Subelement, Goal 2, Policies 5A and 5B; and in the Implementation Element, Development and Implementation Subelement, Goal #2, Policies 2F and 3, and Goal 3, Policies 1 and 2.

52.2. APPLICABILITY

- A. The assignment of residential bonus units shall comply with the provisions set forth in this chapter. Such assignments shall occur only in conjunction with a project approved by TRPA.
- B. In addition to the bonus units authorized by this chapter, bonus units also may result from the following additional Code provisions:
 - 1. Section 30.6.3: *Onsite Removal and Retirement of Excess Coverage in Town Centers, Regional Centers, or the High-Density Tourist District*;
 - 2. Section 51.5.1.3: *Transfer of Potential Residential Units of Use to Centers*; and
 - 3. Section 51.5.3: *Transfer of Existing Development to Centers*.

52.3. RESIDENTIAL INCENTIVE PROGRAM

52.3.1. Assignment of Bonus Units

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

52.3.2. Criteria

All projects receiving multi-residential bonus units shall comply with the following criteria:

- A. The proposed density, including any multi-residential bonus units, shall not exceed the maximum density limits set forth in the area plan, plan area statement, applicable community or redevelopment plan, or this Code; and
- B. When bonus units will be used for a multi-family dwelling, multi-residential uses shall be designated in the area plan, plan area, or community plan as an allowed use, or a special use for which the findings required in Section 21.2 have been made.

52.3.3. Determination of the Number of Multi-Residential Bonus Units

A. Determination of Project Score

Applications for projects proposing to use multi-residential bonus units shall include a list and description of all mitigation measures identified in Table 52.3.3-1 that are proposed as part of the project. Based on a review of the mitigation measures proposed, TRPA shall determine a score for the project in accordance with Table 52.3.3-1. A maximum of one residential bonus unit may be approved for each ten points received by a project.

B. Mitigation Measures

Projects proposing the use of multi-residential bonus units shall receive a score only when one or more of the mitigation measures in Table 52.3.3-1 are proposed as part of the project. Any combination of the measures in the table may be proposed. Only those mitigation measures that would not otherwise be required by the Code shall be considered in determining the score received by a project. This subparagraph establishes the maximum number of points that may be awarded for each mitigation measure. If a proposed mitigation measure satisfies the requirements of two or more of the mitigation measures listed below, points shall be awarded based on the mitigation measure resulting in the highest score. The total point score shall be rounded down to a number that is a multiple of ten.

TABLE 52.3.3-1: SCORE FOR MITIGATION MEASURES FOR RESIDENTIAL BONUS UNITS		
Mitigation Measure		Score
Participation in a transportation EIP project (see Chapter 15: <i>Environmental Improvement Program</i>)		(Project cost divided by \$8,000) x 10 points
Participation in a water quality EIP project (see Chapter 15: <i>Environmental Improvement Program</i>)		(Project cost divided by \$8,000) x 10 points
Provision of stream environment zone restoration pursuant to EIP Program (excluding restoration required as mitigation for new SEZ disturbance)		(Project cost divided by \$8,000) x 20 points
Retirement of an undeveloped parcel located in Land Capability Districts 1a, 1b (SEZ), 1c, 2, or 3 (see Chapter 51: <i>Banking, Conversion, and Transfer of Development</i>)	Parcel in 1a, 1c, 2, or 3	10 points per transferred unit
	Parcel in 1b (SEZ)	30 points per transferred unit
Transfer of existing residential unit and retirement of the parcel in accordance with Chapter 51	Parcel in 1a, 1c, 2, or 3	10 points per transferred unit
	Parcel in 1b (SEZ)	40 points per transferred unit
New access to public recreation areas, lakes, streams, or vista points to which access was previously nonexistent		(Project cost divided by \$8,000) x 10 points (maximum 50 points)
Projects proposing less land coverage than the maximum amount otherwise allowed in accordance with Chapter 30: <i>Land Coverage</i>		One point for each such reduction of 600 square feet onsite
Participation in projects identified in the TRPA-approved Scenic Quality Improvement Program and/or the EIP		(Project cost divided by \$8,000) x 10 points

C. Adjustments to Score

1. Projects within a Community Plan

The score received pursuant to Table 52.3.3-1 by projects located within an approved community plan shall be multiplied by a factor of 1.5.

2. Projects Providing Affordable Employee Housing

The score received pursuant to Table 52.3.3-1 by projects designed to provide affordable employee housing shall be multiplied by a factor of 2.0.

3. Post-1987 Projects Proposing Subdivision of Units

In order to subdivide a post-1987 multi-residential project that does not meet the standards for low-cost housing as defined in Section 90.2, the score received pursuant to Table 52.3.3-1 shall be multiplied by a factor of 0.67.

D. Option to Reserve Residential Bonus Units

Approved residential bonus units may be reserved for projects based on the proposals submitted prior to project approval to enable applicants to accumulate allocations. Residential bonus units shall be assigned to a parcel and may be reserved as credits, unused, for no more than five years. TRPA may reissue those credits to the same parcel for an additional five years if TRPA finds that the residential bonus units are likely to be used during that period.

52.3.4. Affordable, Moderate, and Achievable-Income Housing

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

- A.** Residential bonus units may be awarded to single or multi-family housing developments.
- B.** The owner of the parcel, through a deed restriction running with the land, shall restrict the unit for which the bonus unit was awarded from being used as a second home or a vacation rental.
- C.** A bonus unit may be used for a secondary residence as defined by Section 21.3.2, notwithstanding 52.3.4.A above, provided it is consistent with all provisions of the applicable area plan or this Code of Ordinances.
- D.** The owner of the parcel, through a deed restriction running with the land, shall limit the unit for which the bonus unit was awarded to the approved use and restrict the occupants' household income to affordable, moderate, or achievable housing limits

set forth in Chapter 90: Definitions, depending on the applicable income level for which the bonus unit was awarded. The restriction shall also include the requirement to disclose the restrictions associated with the unit at the time of sale of the unit, the requirement to submit an annual compliance report to TRPA, and the potential to be fined up to 1/10 of the current cost of a bonus unit annually for failure to submit the compliance report or comply with these requirements.

- E.** An owner-occupant of a unit who has provided all required annual compliance reports and who has had an increase in income so that they are no longer eligible for the bonus unit may apply to TRPA and receive an exemption to the income requirement until the unit is sold. The owner must continue to be the occupant, provide annual compliance reports to remain eligible for the exemption and not be subject to the annual fine, rent the unit only to an income qualified renter if no longer the occupant, or sell the unit only to an income qualified buyer.
- F.** The housing project awarded a residential bonus unit shall be within ½ mile of existing transit stops or a transit stop that will be existing concurrent with the completion of the project.

52.3.5. Residential Bonus Unit Substitution

Residential bonus units may be assigned for existing residential units of use in a project area or existing residential units of use that are the result of TAU conversion pursuant to subsection 51.4 on a unit-for-unit basis, provided that the following conditions are met:

- A.** The project area shall be brought up to TRPA development standards applicable for modifications on a project area containing existing development and shall meet scenic quality standards if the project is visible from a roadway travel route, shoreline travel route, or designated recreation site or bike path;
- B.** The local jurisdiction shall inspect and certify that each unit remaining in the project area meets its health and safety requirements for residences;
- C.** A deed restriction shall be recorded with TRPA and the local jurisdiction ensuring that the units remaining in the project area meet TRPA's affordable or moderate-income housing definition and shall be so maintained; and
- D.** Any existing units of use not used in the project area are only transferable to multi-residential facilities.

52.3.6. TRPA-Certified Local Government Moderate-Income Housing Program

A. TRPA Certification

TRPA may certify by resolution a local government moderate-income housing program upon a finding that the program adequately addresses:

- 1.** Housing needs and issues of the jurisdiction pursuant to state standards within an adopted Housing Element; and

2. Standards that guide the development of moderate-income housing using the principles of transit-oriented development, including:
 - a. Appropriate proximity to government services;
 - b. Appropriate proximity to commercial and employment centers;
 - c. Appropriate proximity to mass transit opportunities and other alternative modes of transportation; and
 - d. Appropriate residential and commercial densities to facilitate transit use.

B. Permanent Limitations on Approved Use and Income Limits

The moderate-income housing program shall, through deed restriction covenant running with the land, limit the project area to the approved use and restrict the occupants' household income to moderate-income housing limits. Moderate-income units are subject to deed restriction for long-term occupancy for at least ten months in each calendar year. Units found not to be in compliance with use, rental and/or sales rates, household income levels, or occupancy requirements as specifically described in the deed restriction running with the land shall not be occupied until the non-complying element of the program is rectified.

C. Annual Reporting

Each local jurisdiction with a certified moderate-income housing program shall document, monitor, submit annual reports to TRPA, and enforce the provisions of the deed restrictions. It shall be the responsibility of the local jurisdiction to ensure full compliance with the provisions of the deed restriction.

52.3.7. Transfer of Allocated Residential Bonus Unit Limitations

The following limitations apply to transfers of previously allocated Bonus Units:

- A. Bonus Units transferred shall have been legally established;
- B. Bonus Units shall remain within the same use category at the time the units were awarded (i.e. residential) and are eligible for conversion per Section 51.4;
- C. Bonus Units allocated for affordable, moderate-income, and achievable housing development shall meet the same criteria for which the units were awarded (i.e. affordable shall remain affordable, moderate-income shall remain moderate-income shall remain moderate-income).
- D. Transfers of Bonus Units shall not be permitted for development that has become derelict.

52.4. DETERMINATION OF PROJECT COST

The value of work proposed to be done pursuant to subparagraphs 52.3.3.B shall be based on an engineer's estimate approved by TRPA as being reasonable for the work described.

CHAPTER 53: INDIVIDUAL PARCEL EVALUATION SYSTEM

53.1. PURPOSE

This chapter establishes the Individual Parcel Evaluation System (IPES) and its related procedures in accordance with Goal 1, Policy 1, of the Development and Implementation Priorities Subelement, Implementation Element, of the Goals and Policies. IPES provides a methodology for the evaluation of vacant single-family residential parcels, assigning each such parcel a numerical score, and ranking such parcels within each local jurisdiction from most suitable to least suitable for development in accordance with this chapter.

53.2. APPLICABILITY

53.2.1. IPES Review and Approval of Single-Family Dwellings Required

TRPA shall review and approve the construction of any single-family dwelling on a parcel that was vacant on or after July 1987 pursuant to this chapter.

53.2.2. IPES Manuals

The review and approval by TRPA of the construction of single-family dwellings shall be conducted in accordance with the IPES manuals, which are hereby adopted by reference.

53.3. PARCEL EVALUATION GENERALLY

53.3.1. Purpose of Parcel Evaluation

The purpose of this section is to identify parcels that are eligible for IPES evaluation and to describe the general procedures for conducting IPES evaluations.

53.3.2. Evaluation Teams

The members of each evaluation team shall be selected by TRPA and shall consist of professionals in the fields of soil science, hydrology, and engineering or planning. The evaluation team may be composed partly or entirely of TRPA staff.

53.3.3. Eligibility for IPES Evaluation

Parcels shall be determined to be eligible for evaluation, scoring, and ranking under IPES in accordance with the following provisions.

A. Vacant Parcels

Vacant parcels that allow a single-family dwelling as an allowed or special use in accordance with Chapter 21: *Permissible Uses*, shall be eligible, provided the parcel is otherwise eligible under subparagraph 53.3.3.C.

B. Parcels That Are Not Vacant

Parcels that are not vacant and do not contain a single-family dwelling shall be eligible as though they are vacant upon receipt by TRPA of a written request by the parcel owner that the parcel be evaluated and provided the parcel is otherwise eligible under subparagraph 53.3.3.C.

C. Special Situations

Parcels shall be ineligible in the following special situations, except as otherwise stated.

1. Parcels Owned by a Public or Quasi-Public Entity

Parcels owned by a public or quasi-public entity as defined in the definition of "Public Service" in Chapter 90: *Definitions*, including parcels owned by a local, state, or federal agency, or a public utility district, shall not be eligible, unless such public or quasi-public entity requests in writing to TRPA that the parcel be evaluated under IPES and the parcel is otherwise eligible under this section.

2. Dedicated Open Space

Parcels that are restricted to open space pursuant to a final subdivision map or other recorded document shall not be eligible.

3. No Physical Access

Except for parcels in planned unit developments, parcels for which there is no road providing physical access to the parcel shall not be eligible, unless TRPA receives a written request from the parcel owner that the parcel be evaluated, the parcel is otherwise eligible under this section, and the parcel owner asserts the existence of an access easement and demonstrates that:

- a. The basic service requirements can be provided in accordance with Chapter 32: *Basic Services*; and
- b. The corners of the parcel shall be staked and flagged, if requested by TRPA.

TRPA shall notify parcel owners of determinations made under this subparagraph.

4. Insufficient Area to Construct a Single-Family Dwelling

Parcels that may not have a sufficient area to allow construction of a single-family dwelling due to size, configuration, or an easement shall not be eligible, unless TRPA receives a written request from the parcel owner that the parcel be evaluated, the parcel is otherwise eligible under this section, and the corners of the parcel are staked and flagged, if requested by TRPA. TRPA shall notify parcel owners of determinations made under this subparagraph.

5. Local Zoning Restrictions

Parcels that TRPA determines are prohibited residential uses by local government zoning ordinances shall not be eligible, unless TRPA receives a written request from the parcel owner that the parcel be evaluated and the parcel is otherwise eligible under the provisions of this section. TRPA shall notify parcel owners of determinations made under this subparagraph. TRPA review pursuant to IPES shall not be considered a determination by TRPA that residential uses are permitted by the local government.

53.3.4. Notification of Property Owners

Owners of parcels evaluated under IPES shall be notified of IPES scores in accordance with the following provisions:

- A.** When eligible parcels evaluated have been assigned a score, the owner of each such parcel shall be notified by mail in accordance with TRPA's Rules of Procedures of the parcel's assigned score, the procedures for requesting a reevaluation in accordance with subsection 53.6.3, and an appeal in accordance with subsection 53.6.4, and other information determined by TRPA to be necessary.
- B.** Once TRPA has taken action on requests for reevaluation in accordance with subsection 53.6.3 and the formula for determining allowable base land coverage in accordance with Section 53.8, the owners of parcels evaluated under IPES shall be notified by mail in accordance with TRPA's Rules of Procedure of the parcel's total score, and the percentage of allowable base land coverage. This notification shall also identify the score received under each element of IPES and the procedure for filing an appeal.
- C.** TRPA shall notify each parcel owner of the score resulting from the procedure established in subparagraph 53.6.4.A once TRPA has completed its review of the appeal application. This notification shall include the parcel's total score, percentage of allowable base land coverage, the score received under each element of IPES, and the procedure for requesting that the appeal be heard by the Governing Board.

53.4. AREA TO BE EVALUATED UNDER IPES

The IPES score received by a parcel shall be based on evaluation of an area established in accordance with the following provisions.

53.4.1. Parcels of One-Third Acre or Less

Parcels of one-third acre or less in size shall be evaluated in accordance with the following procedures:

- A. Area to be Evaluated**

The evaluation team shall evaluate the entire parcel, except as provided for under subparagraph C, below. Soil samples shall be taken from locations that are representative of the site as a whole.
- B. Slope Length and Gradient Readings**

Slope length and gradient readings shall be taken in accordance with the following procedures:

 - 1.** Segment readings shall be taken perpendicular to the natural contours and through the middle of the most likely building site as determined by the evaluation team in accordance with subsection 53.4.3;
 - 2.** Enough segments shall be recorded for each parcel so that the sum of all segment lengths is at least 120 feet. In cases where segment lengths totaling

120 feet cannot be obtained within a parcel's boundaries, segment readings shall be taken on adjacent parcels; and

3. Segment readings shall begin 60 feet above the middle of the most likely building site or at the top of the cut slope or toe of the fill slope adjacent to the public right-of-way or other access road.

C. Parcels Containing a SEZ

Where a parcel contains a SEZ, the evaluation team shall evaluate only that portion of the parcel located outside the SEZ. The score received by parcels containing less than 5,000 square feet outside an SEZ shall be multiplied by a factor equal to the area outside the SEZ divided by 5,000 square feet. Parcels containing no area outside a SEZ or SEZ setback shall receive a total score of zero.

D. Parcels Less than 10,000 Square Feet or with Less than 10,000 Square Feet Outside a SEZ

The score received by parcels that are less than 10,000 square feet in size or with less than 10,000 square feet outside a SEZ shall be multiplied by a factor derived from the equation set forth in subsection 53.10.8.

1. The score received by parcels that contain less than 5,000 square feet outside a SEZ shall be multiplied by the factors established in subparagraphs C and D, above.
2. The procedure set forth in Section 53.9 shall be used by the field evaluation teams to establish the area of a parcel outside a SEZ.

53.4.2. Parcels Greater than One-Third Acre

Parcels that are greater than one-third acre in size shall be evaluated in accordance with the following procedures:

A. Area to be Evaluated

Owners of parcels greater than one-third acre in size shall identify the location of the 1/3 acre portion of the parcel which includes their desired building site. Once the 1/3 acre portion has been identified, the evaluation team shall evaluate this portion of the parcel to determine the parcel's score. Slope length and gradient readings shall be taken in accordance with subparagraph 53.4.1.B and, if the 1/3 acre contains an SEZ, the procedures set forth in subparagraphs 53.4.1.C and D shall be followed. In the event the owner does not select the area to be evaluated, the evaluation team shall evaluate an area of one-third acre in size that shall include the most likely building site as determined by the evaluation team in accordance with subsection 53.4.3. In determining the location of the area to be evaluated, the team shall select the one-third acre that results in the highest score.

B. Slope Length and Gradient Readings

Slope length and gradient readings shall be taken in accordance with subparagraph 53.4.1.B.

C. Parcels Containing a SEZ

In the case where the best one-third acre contains a SEZ, the procedures set forth in subparagraphs 53.4.1.C and D shall be followed.

53.4.3. Most Likely Building Site

A. Considerations for Most Likely Building Site

In determining the location of the most likely building site, the evaluation team shall consider: local building setbacks and open space easements; the relationship between the building site and access from public right-of-way; and minimizing excavation and general site disturbance resulting from construction. Where the IPES field evaluation team has determined a most likely building site in order to undertake its evaluation, it shall make a permanent record of that determination.

B. Alternative Building Site

If at a later time a project proponent selects a site other than the most likely building site, then TRPA shall score the alternative building site selected and shall, upon a written election by the project proponent, adjust the IPES score accordingly. In order to be deemed an alternative building site, the selected site shall not overlap the most likely building site by more than 25 percent. The cost of scoring the alternative building site shall be paid by the project proponent.

53.5. RANKING OF PARCELS

Once all eligible parcels within a particular jurisdiction have received a numerical score, the parcels shall be ranked, by jurisdiction, from the most suitable (those parcels receiving the highest numerical score) to the least suitable (those parcels receiving the lowest numerical score).

53.5.1. Lowering Numerical Level Defining Top-Ranked Parcels

The numerical level defining the top ranked parcels in any jurisdiction shall be lowered, on an annual basis commencing on January 1, 1990, to include in the top rank a number of parcels equal to the number of parcels in that jurisdiction that used allocations during the previous year in accordance with Chapter 50: *Allocation of Development*.

A. Required Findings

The numerical level defining the top ranked parcels shall not be lowered unless TRPA makes the following findings with respect to the applicable local jurisdiction:

1. All parcels included in the top rank are otherwise eligible for development under the Lake Tahoe Water Quality Management Plan ("208 Plan" or "WQMP") and other legal limitations;
2. The monitoring program for that jurisdiction is in place pursuant to Chapter 16: *Regional Plan and Environmental Threshold Review* and the TRPA monitoring plan.
3. Demonstrable progress is being made on capital improvement programs for water quality within that jurisdiction;

4. The level of compliance with conditions of project approvals within any jurisdiction is satisfactory; and
5. For any jurisdiction, the number of parcels having scores below the level defining the top ranked parcels, divided by the number of parcels in that jurisdiction that were identified as sensitive by TRPA on January 1, 1986, does not exceed the following percentages:
 - a. El Dorado County - 20 percent
 - b. Placer County - 20 percent
 - c. Douglas County - 33 percent
 - d. Washoe County - 33 percent

53.5.2. Limitation On Issuance of Allocations To Parcels Below Level Defining Top Ranked Parcels

In jurisdictions that do not issue building allocations by random selection, the percentage of allocations issued to parcels that were below the line defining the top ranked parcels on January 1, 1989, shall be no greater than the percentage resulting from dividing the number of vacant parcels below the initial line that eventually become located above the line defining the top ranked parcels by the total number of vacant parcels in that jurisdiction.

53.5.3. Eligibility To Compete for Allocation

All parcels receiving a score under IPES shall be eligible to compete for residential allocations. Top ranked parcels that receive a residential allocation may pursue issuance of a TRPA permit to construct a new single family house. Parcels with score below the level defining the top ranked parcels may, if in receipt of a residential allocation, exercise any of the options listed below:

- A. Transfer the allocation in accordance with Chapter 51: *Transfer of Development*;
- B. Relinquish the allocation; or
- C. Transfer other development rights in accordance with Chapter 51.

53.6. CHANGES IN IPES SCORE

IPES scores may be changed as follows:

53.6.1. Installation of Water Quality Improvement in Vicinity of Parcel

If water quality improvements of the type considered in subsection 53.7.7 are installed in an area subsequent to TRPA preparing the map in accordance with subparagraph 53.7.7.A, TRPA shall amend the map by increasing the point value for such area according to the point values identified in Table 53.11.7-1 for the improvements installed. The scores received by parcels located in areas where point values are increased in accordance with this subsection shall be increased to reflect the new point value.

53.6.2. Changes In Condition of Watershed

If the TRPA finds that the estimated overall ability of a drainage basin to deliver nutrients and sediments to Lake Tahoe has changed, based on consideration of the three categories listed in subsection 53.7.5, the point value given that watershed shall be changed to reflect the new condition and the score received by parcels located in that watershed shall be changed accordingly. Such changes in the condition of a watershed may cause the score received by a parcel to increase or decrease.

53.6.3. Reevaluation Procedure

TRPA or the owner of a parcel receiving a score under IPES may request a reevaluation based on the existence of information that was not known to, or considered by, the evaluation team at the time the evaluation was performed, such as existing access easements and lot consolidations. Reevaluation shall not include determination, with respect to the IPES criteria being properly applied. That determination is included under an appeal. To be eligible for reevaluation, a complete application requesting reevaluation shall be filed with TRPA. This procedure shall not apply where a building site other than the most likely building site is selected by a project proponent pursuant to subparagraph 53.4.3.B.

53.6.4. Appeal Procedure

The owner of a parcel who has received notification of the parcel's score under IPES may file an appeal with TRPA by submitting a complete written appeal application no later than 180 days from the date notification, in accordance with subparagraph 53.3.4.B. Complete applications shall include, at a minimum, identification of the IPES criteria the parcel owner feels was improperly or incorrectly applied and any data, reports, or other information in support of the appeal.

- A.** Upon receipt of an appeal, the parcel shall be reevaluated by an evaluation team other than the one that performed the original evaluation. A second notification, pursuant to TRPA's Rules of Procedure and in accordance with subparagraph 53.3.4.C, shall be given to the parcel owner. The determinations of the second evaluation team shall be final, unless the owner of the parcel requests in writing to the Executive Director that the appeal be heard by the Governing Board. The written request must be received by TRPA within 15 working days from the date that the second notification was given pursuant to TRPA's Rules of Procedure.
- B.** Appeals to the Governing Board shall be processed in accordance with TRPA's Rules of Procedure. The Governing Board may change the score for a parcel only if it finds that the IPES criteria were not applied correctly and then the score shall be changed only to the degree resulting from proper application of the criteria.

53.6.5. Alternative Appeal Procedure

Those individuals that did not file an appeal pursuant to subsection 53.6.4 shall be allowed to file an appeal as set forth herein. The Agency shall publish and post notice of the filing period in the same manner required for ordinance amendments. Those parties wishing to appeal shall do so by submitting an application with the proper filing fee to the TRPA office on or before June 29, 1990, at 5:00 p.m. Said application and fee must be received by the Agency

at that time. After receipt, the procedure set forth in subparagraphs 53.6.4.A and B shall be followed. In addition, notice of this procedure shall be mailed to those who have requested notice and to the individuals who in the first appeal had notices returned by the Post Office as being undeliverable.

53.6.6. Reversal of Denial of Entry

An owner of a parcel for which right of entry was denied, may request in writing, by certified or registered mail or by personal delivery, the scoring and ranking of the parcel. The owner shall bear the cost of the field team evaluation. Upon receipt of the score in accordance with subsection 53.3.4, the parcel owner may request reevaluation or an appeal in accordance with subsections 53.6.3 and 53.6.4.

53.7. EVALUATION CRITERIA

IPES shall evaluate and assign a numerical score in accordance with the following criteria:

53.7.1. Relative Erosion Hazard

The maximum score for relative erosion hazard shall be 450 points. The formulae set forth in subsection 53.10.1 shall be used to assign a Relative Erosion Hazard (REH) score to each parcel.

53.7.2. Runoff Potential

The maximum score for runoff potential shall be 200 points. Each parcel shall receive a score for runoff potential in accordance with Table 53.11.2-1. The Hydrologic Soil Group shall be determined for each soil series from Table 6 of the report entitled, "Soil Survey, Tahoe Basin Area, California and Nevada," prepared by the Soil Conservation Service and Forest Service, and dated March 1974. The categories under Hydrologic Conditions in Table 53.11.2-1 shall be defined as follows:

A. Poor

Thin or sparse cover denoting less than 50 percent of the ground surface protected by litter or by plant cover.

B. Fair

Moderate or scattered cover denoting from 50 percent to 75 percent of the ground surface protected by litter or by plant cover.

C. Good

Heavy or dense cover denoting more than 75 percent of the ground surface protected by litter or by plant cover.

53.7.3. Degree of Difficulty to Access Building Site

The maximum score for degree of difficulty to access the building site shall be 170 points. Each parcel shall receive a score in accordance with the provisions of subparagraphs A, B, or C, and subparagraph D, below. Parcels that are not required to provide vehicular access to

the building site, such as parcels in plan unit developments where common parking areas exist, shall receive the maximum score for this subsection.

A. Upsloping Parcels without Existing Access

1. General

Parcels without existing access that slope predominantly upward within the first 20 feet from the public right-of-way or other access road shall receive an initial score in accordance with Table 53.11.3-1. The height of the cut slope shall be measured at the center of the most likely point of access. The Degree of Difficulty for Excavation shall be determined for each soil series from Table 6 of the report entitled "Soil Survey, Tahoe Basin Area, California and Nevada," prepared by the Soil Conservation Service and Forest Service and dated March, 1974. Where construction of access will intercept natural ground water or subsurface flow or result in disturbance in a SEZ, the parcel shall receive the appropriate score from the column in Table 53.11.3-1 headed "SEZ."

2. Adjustment for Gradient Above Cut Slope

The initial score received in accordance with the procedure set forth in subparagraph 1 above shall be multiplied by the factor from Table 53.11.3-2 according to the average gradient of the ground for a distance of 20 feet above the top of the cut slope at the access point.

B. Downsloping Parcels without Existing Access

1. General

Parcels without existing access that slope predominantly downward within the first 20 feet from the public right-of-way or other access road shall receive an initial score in accordance with Table 53.11.3-3. The height of the fill slope shall be measured at the center of the most likely point of access. Where construction of access will intercept natural ground water or subsurface flow, or result in disturbance in a SEZ, the parcel shall receive the appropriate score from the column in Table 53.11.3-3 headed "SEZ."

2. Adjustment for Gradient Below Fill Slope

The initial score received in accordance with the procedure set forth in subparagraph 1 above shall be multiplied by the factor from Table 53.11.3-4 according to the average gradient of the ground for a distance of 20 feet below the toe of the fill slope at the access point.

C. Parcels with Existing Driveways

Parcels that contain existing driveways shall receive a score in accordance with Table 53.11.3-5. Where the existing driveway has intercepted natural ground water or subsurface flow, or resulted in disturbance in a SEZ, the parcel shall receive the appropriate score from the column headed "SEZ" in Table 53.11.3-5.

1. Extent of Grading Required on Access

The categories under the column headed "Extent of Grading Required on Access" in Table 53.11.3-5 shall be defined as follows:

a. **No Appreciable Grading**

To achieve a maximum slope of ten percent on the driveway, the only grading required prior to paving is minor smoothing or leveling of the existing surface or the driveway is paved.

b. **Minor Grading**

To achieve a maximum slope of ten percent on the driveway, the extent of grading is equal to or less than a depth of three feet at any point.

c. **Major Grading**

To achieve a maximum slope of ten percent on the driveway, the extent of grading is greater than a depth of three feet at any point.

2. **Excavation for Parking Area or Garage**

The categories under the column headed "Excavation for Parking Area or Garage" in Table 53.11.3-5 shall be defined as follows:

a. **None**

The excavation required to construct a parking area or garage shall not exceed the amount necessary to construct a conventional foundation.

b. **Less Than Three Feet**

The excavation required to construct a parking area or garage exceeds the amount necessary to construct a conventional foundation, but shall not exceed a depth of three feet at any point.

c. **Greater Than Three Feet**

The excavation required to construct a parking area or garage exceeds a depth of three feet at any point.

D. **Parcels Requiring Access Through a Stream Environment Zone**

Parcels requiring construction of, or with existing access in, a stream environment zone, or parcels where access will intercept natural ground water or subsurface flow, shall receive a score under this subparagraph D in accordance with Table 53.11.3-6, in addition to the score received under subparagraph A, B, or C in this subsection.

1. **Location of Disturbance**

The categories under the column headed "Location of Disturbance" in Table 53.11.3-6 shall be defined as follows:

a. **No Disturbance in Stream Environment Zone or Interception of Ground Water**

Provision of access to the building site that will not result in any disturbance, including the removal of vegetation, in a stream environment zone or interception of ground water.

b. **Disturbance Only in Secondary Riparian Vegetation or Setback**

Provision of access to the building site that will result in disturbance only to secondary riparian vegetation, or within the setback to a stream environment zone, but will not result in disturbance to primary riparian vegetation, a stream channel, or interception of ground water.

c. **Disturbance in Primary Riparian Vegetation or Intercepts Ground Water, But Not in Stream Channel**

Provision of access to the building site that will result in disturbance to primary riparian vegetation or intercept of ground water but will not result in disturbance to a stream channel.

d. **Disturbance in Stream Channel**

Provision of access to the building site that will result in disturbance to a stream channel.

53.7.4. Stream Environment Zone

The maximum score for stream environment zone shall be 110 points. Each parcel shall receive a score in accordance with Table 53.11.4-1.

A. Type of Disturbance in Stream Environment Zone

Construction of vehicular access through a SEZ shall be accounted for under subparagraph D of subsection 53.7.3, and shall not be considered under this subsection. The categories under the column headed "Extent of Disturbance in SEZ" in Table 53.11.4-1 shall be defined as follows:

1. None

Trenching for utility connections that will not result in disturbance in a SEZ.

2. Utility Connections

Trenching for utility connections that will result in disturbance in a SEZ.

B. Location of Disturbance

The categories under the column headed "Location of Disturbance" in Table 53.11.4-1 shall be defined as follows:

1. Inside Secondary Riparian Vegetation or Setback

Trenching for utility connections that will result in disturbance to secondary riparian vegetation or within a setback, but not to primary riparian vegetation or a stream channel.

2. Inside Primary Riparian Vegetation But Not in Stream Channel

Trenching for utility connections that will result in disturbance to primary riparian vegetation but not to a stream channel.

3. In Stream Channel

Trenching for utility connections that will result in disturbance to a stream channel.

53.7.5. Condition of Watershed

The maximum score for condition of watershed shall be 70 points. Each parcel shall receive the score given in Table 53.11.5-1 to the watershed in which the parcel is located. This element estimates the overall ability of a drainage basin to deliver nutrients and sediments to Lake Tahoe. Consideration was given to three broad categories:

- A.** Geomorphic, precipitation, and stream flow characteristics;
- B.** Nutrients and sediments in stream flow, expressed in production per unit area of drainage basin (e.g., pounds of nitrate nitrogen per square mile of drainage basin); and
- C.** Existing land coverage compared to allowable land coverage.

53.7.6. Ability to Revegetate

The maximum score for ability to revegetate shall be 50 points. Each parcel shall receive a score in accordance with the following provisions:

A. Vegetative Groups

Parcels shall receive a score from Table 53.11.6-1 based on the vegetative group identified in Table 6 of the report entitled, "Soil Survey, Tahoe Basin Area, California and Nevada," prepared by the Soil Conservation Service and Forest Service, and dated March 1974 for the soil series in which the parcel is located. If "Vegetative Group J" is identified for a parcel, the IPES field evaluation team shall determine which of the other five groups listed in Table 53.11.6-1 best describes the vegetation on the parcel and points shall be assigned accordingly. The five vegetative groups (Groups A, B, E, F, and G) are described in subparagraph 53.10.6.A.

B. Climatic Conditions

Parcels shall receive a score for climatic conditions as follows:

1. Aspect and Gradient

Each parcel shall receive a score in accordance with Graph 53.11.6-1, based on the aspect and average gradient of the parcel.

2. Elevation

Each parcel shall receive a score in accordance with Table 53.11.6-2. The elevation of a parcel, for purposes of determining a score from Table 53.11.6-2, shall be the highest elevation within the area evaluated as determined pursuant to Section 53.4. Elevation readings shall be taken from TRPA's 2" = 1 miles base map.

53.7.7. Need for Water Quality Improvements in Vicinity of Parcel

The maximum score for need for water quality improvements in vicinity of parcel shall be 50 points.

A. Preparation of Map

TRPA shall prepare a map identifying areas within which the need for the water quality improvements listed in Table 53.11.7-1 is the same. The Lake Tahoe Water Quality Management Plan ("208 Plan" or "WQMP") maps shall be used as a guideline for determining the level of improvements needed. Areas shall be assigned point values in accordance with Table 53.11.7-1. The points assigned shall be equal to the mathematical difference between 50 points and the total of the negative points received due to the combination of water quality improvements needed.

B. Assigning Scores to Parcels

Each parcel shall receive the score assigned to the area, established under subparagraph A above in which the parcel is located.

53.7.8. Proximity to Lake Tahoe

The maximum score for proximity to Lake Tahoe shall be 50 points.

A. Preparation of Map

TRPA shall prepare maps identifying the following areas and point values:

1. Area A (0 points)

From the highwater line (6229.1 feet Lake Tahoe Datum) of Lake Tahoe to elevation 6240 feet;

2. Area B (10 points)

From elevation 6240 feet to one mile from the high water line;

3. Area C (20 points)

From one mile to two miles from the high water line;

4. Area D (30 points)

From two miles to three miles from the high water line;

5. Area E (40 points)

From three miles to four miles from the high water line; and

6. Area F (50 points)

Beyond four miles from the high water line.

B. Assigning Scores to Parcels

Each parcel shall receive the score assigned to the area established under subparagraph A above in which the parcel is located.

53.7.9. Additional Mitigation

A parcel's score may be increased by an amount not to exceed that permitted under subparagraph B below upon approval by TRPA of a water quality improvement project submitted by the owner of the parcel. A project that qualifies a parcel for an increase in its point score shall be located on a parcel other than the parcel for which the score increase is proposed, and shall include improvements such as slope stabilization, energy dissipators, sediment ponds, and rock-lined channels. A parcel's score shall not be increased unless, as a condition of approval, TRPA requires the water quality improvement project to be completed prior to construction commencing on the parcel receiving the increase in score.

A. Required Findings

Approvals for additional points shall not be granted under the provisions of this subsection until TRPA makes the following findings:

1. The water quality improvements proposed under the provisions of this subsection are consistent with TRPA's 208 Plan;
2. The increase in the IPES score for the applicant's parcel is in compliance with subparagraph B below; and
3. The proposed water quality improvements would not otherwise be required of the owner to comply with the standards set forth in Section 60.4: Best Management Practice Requirements.

B. Limitations on Amount of Increase in Score

A parcel's score shall not be increased in an amount greater than ten percent of the IPES score at which the line is located establishing the top-ranked parcels in the affected jurisdiction at the time the water quality improvement project is approved. TRPA shall adopt a list assigning point values to types of water quality improvements. Point values shall be based on projected reductions in nutrient or sediment loading resulting from construction of such improvements and shall be intended to result in benefits that fully offset the difference in impacts between developing the subject parcel and developing a parcel with a rating equivalent to the subject parcel's rating without applying the bonus points.

53.7.10. Man-Modified Areas

Where an area has been determined by TRPA to be man-modified in accordance with subsection 30.3.6, or prior to the effective date of the Regional Plan in accordance with Section 2.4 of this Code, the IPES field evaluation team shall use the information on which such a determination was made, where applicable, in its evaluation of parcels located in such areas.

53.8. ALLOWABLE BASE LAND COVERAGE

The allowable base land coverage for single-family residential parcels evaluated under IPES shall be a function of the parcel's combined score under the IPES criteria for relative erosion hazard and runoff potential as correlated with the coverage coefficients and land capability

districts of the Bailey Report in Chapter 30: *Land Coverage*. The allowable base land coverage under IPES shall be established in accordance with the following procedures.

53.8.1. Procedure for Establishing Allowable Base Land Coverage

Once eligible parcels have received a score under IPES, and TRPA has taken action on requests for reevaluation pursuant to subsection 53.6.3, the percentage of allowable base land coverage shall be established by TRPA in accordance with the following procedures:

A. Identification of Bailey Capability Classifications

Based on the soil series and average slope determined by the IPES evaluation teams, all parcels receiving a score under IPES shall be identified as to which of the seven capability classes established in the Bailey Report each parcel would have been classified. Parcels determined by the IPES evaluation teams to be located in a soil series not identified in the report entitled "Soil Survey, Tahoe Basin Area, California and Nevada," prepared by the Soil Conservation Service and Forest Service and dated March 1974, shall be excluded from this procedure.

B. Determination of Central Tendency Scores

The combined scores for relative erosion hazard and runoff potential representing the central tendency within each capability class shall be determined. The central tendency shall be described by determining the mode value, or by alternative statistical methods, including mean or median values, whichever is appropriate.

C. Plotting of Central Tendency Scores

The central tendency scores established in subparagraph B, above, shall be plotted, in graph form, against percentages of allowable base land coverage ranging from one percent to 30 percent. The central tendency score for Land Capability Districts 1a, 1c, and 2 shall be plotted at one percent; for Land Capability District 3 at five percent; for Land Capability District 4 at 20 percent; for Land Capability District 5 at 25 percent; and for Land Capability Districts 6 and 7 at 30 percent. If the central tendency scores of any of the capability classes set forth in subparagraph C, above, are determined to be statistically indistinguishable, such classes shall be combined for purposes of establishing a central tendency score. If capability classes are combined, the central tendency score shall be plotted at the percentage that is the average of the percentages established for those classes in subsection 30.4.1 of the TRPA Code.

D. Development of Formula by TRPA

TRPA shall develop a formula for a line passing through the points of central tendency plotted in accordance with subparagraph C, above. No parcel shall be allowed more than 30 percent, or less than one percent base land coverage.

E. Establishment of Allowable Base Land Coverage

Allowable base land coverage for parcels receiving a score under IPES shall be established in accordance with the formula developed in subparagraph D, above.

53.8.2. Application of Allowable Base Land Coverage Percentages

The percentages of allowable base land coverage established in accordance with this Section 53.8 shall be applied as follows to determine the total allowable base land coverage:

A. Parcels of One-Third Acre or Less in Size

The percentage of allowable base land coverage shall be applied to the entire parcel area, except in cases where the parcel contains areas classified as SEZ or backshore. In such cases, the percentage of allowable base land coverage shall be applied to only that area outside the SEZ and backshore. The allowable base land coverage of one percent in the SEZ and backshore may be combined with the allowable base land coverage for the remainder of the parcel to establish a total allowable base land coverage for the parcel. A portion of the total allowable base land coverage for the parcel may be used to allow construction of access only through the SEZ, provided TRPA makes the findings required in subparagraph 30.5.2.A, and through the backshore, provided TRPA makes the findings required in Section 85.5.

B. Parcels Greater than One-Third Acre

The percentage of allowable base land coverage shall be applied to the one-third acre evaluated by the evaluation team. If the owner of the parcel is able to identify a larger and contiguous area that has the same characteristics as the one-third acre originally evaluated and TRPA concurs, the percentage of allowable base land coverage shall be applied to the larger area. Allowable base land coverage on parcels that contain a SEZ shall be calculated in accordance with subparagraph A above.

53.9. PROCEDURE FOR ESTABLISHING SEZ BOUNDARIES AND SETBACKS

The IPES field evaluation teams shall use the following procedures for purposes of determining the presence and boundaries of an SEZ and establishing SEZ setbacks.

53.9.1. SEZ Identification

A stream environment zone (SEZ) shall be determined to be present if any one of the following key indicators is present or, in absence of a key indicator, where any three secondary indicators coincide; or, if Lo, Co, or Gr soils are present, where two secondary indicators coincide. Plant communities shall be identified in accordance with the definitions and procedures contained in the 1971 report entitled "Vegetation of the Lake Tahoe Region, A Guide for Planning."

A. Key Indicators

Key indicators are:

1. Evidence of surface water flow, including perennial, ephemeral, and intermittent streams, but not including rills or man-made channels;
2. Primary riparian vegetation;
3. Near surface groundwater;
4. Lakes or ponds;

5. Beach (Be) soil; or
6. One of the following alluvial soils:
 - a. Elmira loamy coarse sand, wet variant (Ev); or
 - b. Marsh (Mh).

B. Secondary Indicators

Secondary indicators are:

1. Designated floodplain;
2. Groundwater between 20 - 40 inches;
3. Secondary riparian vegetation; or
4. One of the following alluvial soils:
 - a. Loamy alluvial land (Lo);
 - b. Celio gravelly loamy coarse sand (Co); or
 - c. Gravelly alluvial land (Gr).

53.9.2. SEZ Boundaries

The boundaries of an SEZ shall be the outermost limits of the key indicators; the outermost limits where three secondary indicators coincide; or, if Lo, Co, or Gr soils are present, the outermost limits where two secondary indicators coincide, whichever limits establish the widest SEZ at any particular point. The outermost boundaries of a stream shall be the bank full width of such stream at the level of frequent high flow, which is defined as the level of flood with a recurrence interval of approximately 1.5 years.

53.9.3. SEZ Setbacks

No buildings, other structures, or land coverage shall be permitted in SEZ setbacks, except in accordance with subsection 30.5.2 and the exception for the backshore set forth in subsection 85.5.4. The restoration requirements set forth in subparagraph 30.5.1.B.3 shall not apply within SEZ setbacks. The allowable base land coverage within SEZ setbacks shall be in accordance with subparagraph 30.4.1.A, and may be combined with the allowable base land coverage for the remainder of the parcel to establish a total allowable base land coverage. A portion of the total allowable base land coverage for the parcel may be used to allow construction in the SEZ setback only in accordance with subsection 30.5.2 and the exception for the backshore set forth in subsection 85.5.4. SEZ setbacks shall be established in accordance with the following criteria (see also subsection 53.10.9).

A. Confined Perennial Stream

When a confined perennial stream is present, the following setbacks shall be established based on the corresponding slope condition:

- 1. Good Slope Condition**
When the slope condition is identified as good, the setback shall be 25 feet from the edge of the SEZ or 15 feet from the edge of a terrace, if present, whichever is less.
 - 2. Average Slope Condition**
When the slope condition is identified as average, the setback shall be 35 feet from the edge of the SEZ or 20 feet from the edge of a terrace, if present, whichever is less.
 - 3. Poor Slope Condition**
When the slope condition is identified as poor, the setback shall be 60 feet from the edge of the SEZ or 35 feet from the edge of a terrace, if present, whichever is less.
- B. Unconfined Perennial Stream**
When an unconfined perennial stream is present, the setback shall be 50 feet from the edge of the SEZ.
- C. Confined Ephemeral or Intermittent Stream**
When a confined ephemeral or intermittent stream is present the following setbacks shall be established based on the corresponding slope conditions:
- 1. Good Slope Condition**
When the slope condition is identified as good, the setback shall be 15 feet from the edge of the SEZ or ten feet from the edge of a terrace, if present, whichever is less.
 - 2. Average Slope Condition**
When the slope condition is identified as average, the setback shall be 25 feet from the edge of the SEZ or 15 feet from the edge of a terrace, if present, whichever is less.
 - 3. Poor Slope Condition**
When the slope condition is identified as poor, the setback shall be 40 feet from the edge of the SEZ or 25 feet from the edge of a terrace, if present, whichever is less.
- D. Unconfined Ephemeral Or Intermittent Stream**
When an unconfined ephemeral or intermittent stream is present the setback shall be 25 feet from the edge of the SEZ.
- E. Channel Absent**
When there is an SEZ present but there is no associated channel identified, the setback shall be ten feet from the edge of the SEZ.

F. Lakes and Ponds

Where a lake or pond is present, the SEZ setback shall be ten feet from the high water line or ten feet from the edge of the SEZ, whichever is greater, except where a backshore is established in accordance with Section 80.4 in which case there shall be no SEZ setback established.

53.9.4. SEZ Documentation

Where the IPES field team identifies the existence of a SEZ on an individual parcel, it shall prepare a permanent written record or drawing applicable to that parcel showing the boundaries of the SEZ, the setback line from the SEZ, and setting forth the reasons for its determination. At the time a project is reviewed that involves a parcel evaluated under IPES as having a SEZ, the SEZ boundaries and setback shall be verified or adjusted based upon additional information then available.

53.10. TECHNICAL STANDARDS AND METHODOLOGIES

53.10.1. Relative Erosion Hazard Formulae

$$(K)(R)(LS) = x$$

Where:

K = Soil Erodibility Factor: The soil erodibility factor (K) shall be as shown on the latest edition of the Single Phase Interpretation Sheets prepared by the Soil Conservation Service for the soil series identified in the Tahoe Basin.

R = Climatic Conditions Factor: The climatic condition factor (R) shall be taken from the R Factors Map for the Tahoe Basin, dated _____ and prepared by TRPA.

LS = Slope Length and Gradient Factor: The slope length and gradient factor (LS) shall be derived from the following formula:

$$LS = \frac{\sum_{j=1}^n (S_j)(\lambda_j)^{1.5} - (S_j)(\lambda_j - 1)^{1.5}}{1,022.47}$$

Where:

n = number of segments

S_j = value of s for segment, where; for slopes of 10% or steeper;

and for slopes of 9% or flatter;

$$s = 65.41 \sin^2(\tan^{-1} s_1) + 4.56 \sin(\tan^{-1} s_1) + 0.65$$

s_1 = slope in %/100

λ_j = distance in feet from top of slope to lower end of any segment j ;

λ_{j-1} = slope length in feet above segment j ; and

$$REH = \frac{899.72 - \sqrt{809,496.1 - 4(x^2 - 106545x + 202,612)}}{2}$$

Where;

$x = (K)(R)(LS)$

REH = Relative Erosion Hazard score

53.10.2. Runoff Potential

TABLE 53.11.2-1: RUNOFF POTENTIAL				
Hydrologic Conditions	Hydrologic Soil Group			
	A	B	C	D
Poor	135 pts.	59 pts.	22 pts.	0 pts.
Fair	167 pts.	81 pts.	34 pts.	15 pts.
Good	200 pts.	98 pts.	44 pts.	22 pts.

53.10.3. Degree of Difficulty To Access Building Site

TABLE 53.11.3-1: UPSLOPING PARCELS WITHOUT EXISTING ACCESS				
Height of Cut Slope at Access	Degree of Difficulty for Excavation			SEZ
	Slight	Moderate	Severe	
≤1'	120	120	120	50
>1' - 2'	110	107	104	
>2' - 3'	100	94	88	25
>3' - 4'	90	81	62	
>4' - 5'	80	58	46	5
>5' - 6'	60	45	30	
>6' - 7'	50	32	14	
>7' - 8'	40	19	0	
>8' - 9'	30	6	0	0
>9' - 10'	20	0	0	
>10' - 11'	10	0	0	
>10'	0	0	0	

TABLE 53.11.3-2: FACTORS FOR GRADIENT OF GROUND ABOVE CUT SLOPE	
Gradient Above Cut Slope	Factor
≤ 4%	1.0
> 4% - 8%	0.9
> 8% - 12%	0.8
> 12% - 16%	0.7
> 16% - 20%	0.6
> 20% - 24%	0.5
> 24% - 30%	0.3
> 30%	0.1

TABLE 53.11.3-3: DOWNSLOPING PARCELS WITHOUT EXISTING ACCESS

Height of Fill Slope at Access	Points	
	No SEZ	SEZ
≤3'	120	40
>3' - 6'	110	30
>6' - 10'	90	20
>10' - 15'	70	10
>15'	50	0

TABLE 53.11.3-4: FACTORS FOR GRADIENT OF GROUND BELOW FILL SLOPES

Gradient Below Fill Slope	Factor
10%	1.0
10% - 15%	0.9
15% - 20%	0.8
20% - 30%	0.7
30%	0.6

TABLE 53.11.3-5: PARCELS WITH EXISTING ACCESS

Extent of Grading Required on Access	Excavation for Parking Area or Garage			SEZ
	None	Less Than 3'	Greater Than 3'	
No Appreciable Grading	120 pts.	110 pts.	80 pts. minus 5 pts. for each foot greater than 3 feet.	30 pts.
Minor Grading	80 pts.	70 pts.	40 pts. minus 5 pts. for each foot greater than 3 feet.	10 pts.
Major Grading	40 pts.	30 pts.	10 pts. minus 5 pts. for each foot greater than 3 feet.	0 pts.

TABLE 53.11.3-6: DISTURBANCE IN STREAM ENVIRONMENT ZONE (SEZ) FOR ACCESS

Location of Disturbance	Points
No disturbance in stream environment zone or interception of ground water.	50
Disturbance only in secondary riparian vegetation or setback.	20
Disturbance in primary riparian vegetation or intercepts ground water, but not in stream channel.	5
Disturbance in stream channel.	0

53.10.4. Extent of Disturbance in SEZ

TABLE 53.11.4-1: EXTENT OF DISTURBANCE IN SEZ

	Location of Disturbance		
Type of Disturbance In SEZ	Inside Secondary Riparian Vegetation Or Setback	Inside Primary Riparian Vegetation But Not In Stream Channel	In Stream Channel
None	110 pts.	110 pts.	110 pts.
Utility Connection	40 pts.	10 pts.	0 pts.

53.10.5. Condition of Watershed

TABLE 53.11.5-1: CONDITION OF WATERSHED

Watershed			Watershed		
No.	Name	Points	No.	Name	Points
1.	Tahoe State Park	54	36.	Zephyr Creek	33
2.	Burton Creek	70	37.	South Zephyr Creek	61
3.	Barton Creek	67	38.	McFaul Creek	30
4.	Lake Forest Creek	58	39.	Burke Creek	63
5.	Dollar Creek	67	40.	Edgewood Creek	49
6.	Cedar Flats	58	41.	Bijou Park	40
7.	Watson	53	42.	Bijou Creek	40
8.	Carnelian Bay Creek	61	43.	Trout Creek	36
9.	Carnelian Canyon	61	44.	Upper Truckee River	36
10.	Tahoe Vista	54	45.	Camp Richardson	54
11.	Griff Creek	44	46.	Taylor Creek	47
12.	Kings Beach	54	47.	Tallac Creek	22

TABLE 53.11.5-1: CONDITION OF WATERSHED					
Watershed			Watershed		
No.	Name	Points	No.	Name	Points
13.	East Stateline Point	26	48.	Cascade Creek	30
14.	First Creek	22	49.	Eagle Creek	7
15.	Second Creek	0	50.	Bliss State Park	44
16.	Burnt Cedar Creek	54	51.	Rubicon Creek	33
17.	Wood Creek	18	52.	Paradise Flat	30
18.	Third Creek	30	53.	Lonely Gulch Creek	30
19.	Incline Creek	18	54.	Sierra Creek	26
20.	Mill Creek	26	55.	Meeks	25
21.	Tunnel Creek	33	56.	General Creek	39
22.	Unnamed	33	57.	McKinney Creek	18
23.	Sand Harbor	33	58.	Quail Lake Creek	44
24.	Marlette Creek	30	59.	Homewood Creek	0
25.	Secret Harbor Creek	33	60.	Madden Creek	14
26.	Bliss Creek	44	61.	Eagle Rock	47
27.	Deadman Point	44	62.	Blackwood Creek	7
28.	Slaughter House	44	63.	Ward Creek	21
29.	Glenbrook Creek	53	64.	Truckee River Creek	44
30.	North Logan House	58			
31.	Logan House Creek	67			
32.	Cave Rock	26			
33.	Lincoln Creek	33			
34.	Skyland	54			
35.	North Zephyr Creek	33			

53.10.6. Ability to Revegetate

TABLE 53.11.6-1: VEGETATIVE GROUPS	
Vegetative Groups	Points
Group A	35
Group E	20
Group B	10
Group G	5

A. Description of Vegetative Groups

1. Group A: Choice of plants is not limited. Soils have no major limitation. Soils are more than 40 inches deep. Texture of the surface layer is stony sandy

- loam. Drainage is good, permeability is moderate in the subsoil, and the available water capacity for the entire profile is generally more than 5 inches.
2. Group B: Choice of plants is limited by droughtiness and low fertility. Soils are mostly more than 40 inches deep over weathered rock, but some are only 20 inches deep. Texture of the surface layer ranges from loamy coarse sand to gravelly loam and in places is stony or very stony. Drainage is moderately good to somewhat excessive, permeability is very rapid to slow in the subsoil, and the available water capacity is mostly less than 5 inches.
 3. Group C: Choice of plants is limited by wetness. Soils are more than 30 inches deep. Texture of the surface layer ranges from and through silt loam and in places is very gravelly. Natural drainage is poor to somewhat poor and the available water capacity for the entire profile is mostly more than 2 inches.
 4. Group G: Choice of plants is limited by depth. Soils are as shallow as 20 inches over bedrock or a hardpan. Texture of the surface layer ranges from coarse sandy loam to very stony sandy loam. Drainage is moderately good to good. Permeability is moderate to slow, and the available water capacity for the entire profile is more than 3 inches.
 5. Group J: Choice of plants depends on on-site investigation. The group includes all soils and land types in capability classes VII and VIII and steep and very steep soils. For soils listed in this group the evaluation team shall determine which of the other vegetative groups most closely describes the limitations.

GRAPH 53.11.6-1: ASPECT AND GRADIENT OF PARCEL

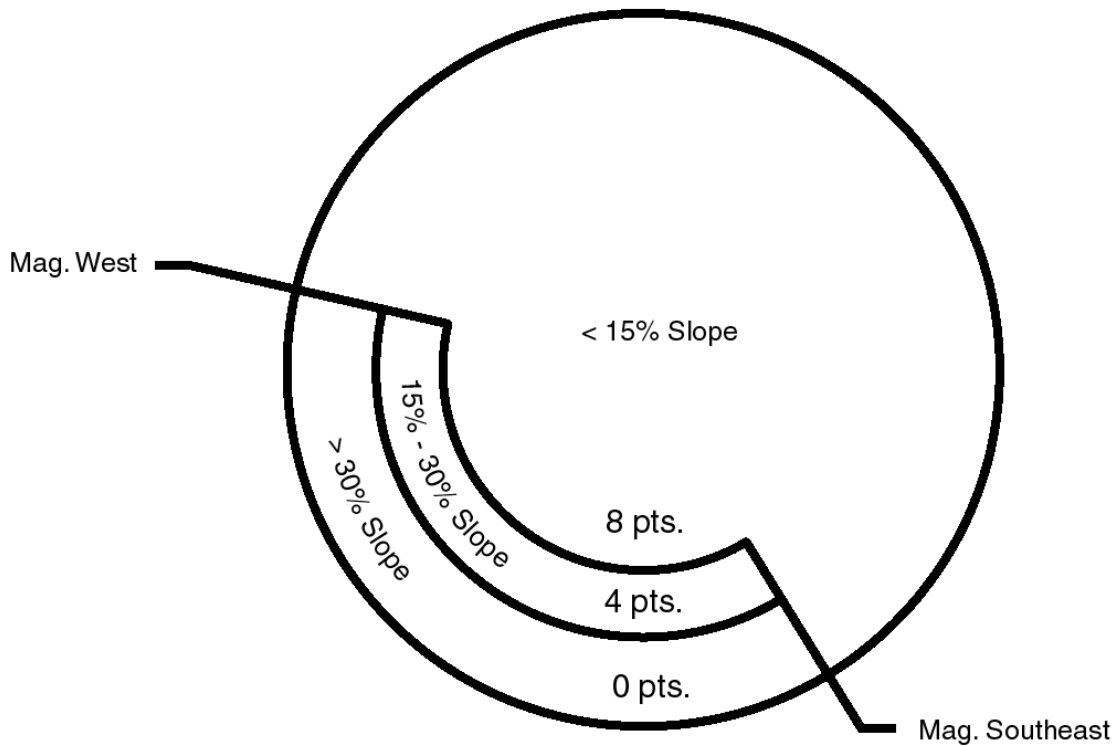


TABLE 53.11.6-2: ELEVATION OF PARCEL

Elevation of Parcel	Points
Below 7,000 feet	7
7,000 feet or above	0

53.10.7. Need for Water Quality Improvements in Vicinity of Parcel

TABLE 53.11.7-1: NEEDED WATER QUALITY IMPROVEMENTS

Needed Improvement	Points
None	50
Revegetation	-6
Rock-lined or Vegetated Ditches	-8
Curb Gutter or Paved Swales	-8
Storm Drain Pipes	-8
Retaining Walls	-4
Rock Slope Protection	-4
Paved Roads	-8

TABLE 53.11.7-1: NEEDED WATER QUALITY IMPROVEMENTS

Needed Improvement	Points
Sediments Basin	-4

53.10.8. Area to be Evaluated

IPES Score Factor's Equation

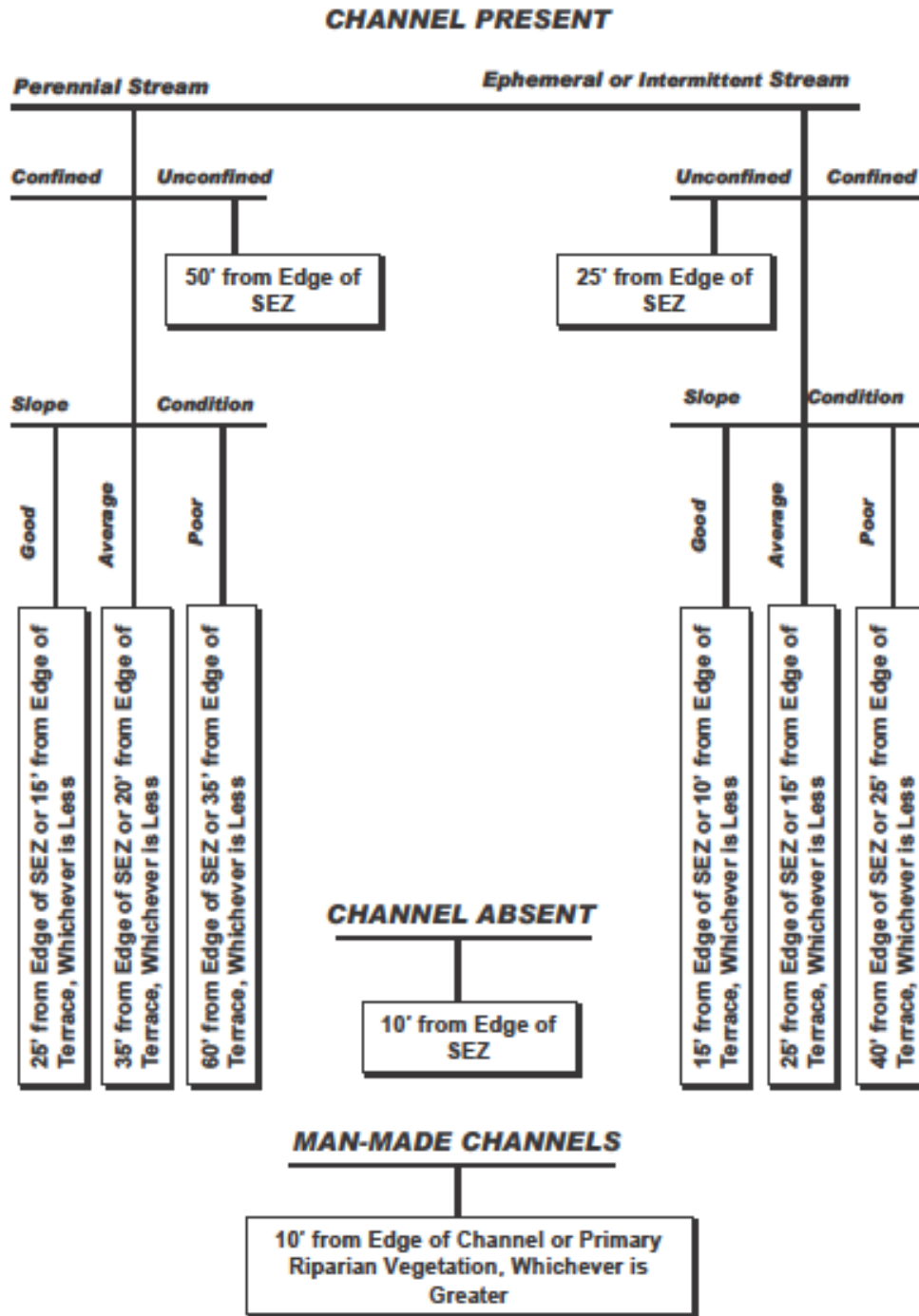
$$Y = \frac{\sqrt{100^2 - (100 - (.01)x)^2}}{100}$$

where:

Y = Factor

X = Area of parcel outside SEZ if less than 1/3 acre.

53.10.9. Setbacks from SEZs



53.10.10. List Assigning Point Values to Off-Site Water Quality Improvements in IPES Pursuant to Subsection 53.7.9

A. Options to Increase IPES Score

Pursuant to subsection 53.7.9 of the Code of Ordinances, TRPA may increase a parcel's IPES score upon TRPA approval of a water quality improvement project submitted by the parcel owner. To qualify for the additional points, a parcel owner has two options:

1. Pay a non-refundable and non-transferable per point fee to be deposited into the water quality mitigation fee fund in accordance with the Rules of Procedure, in which case TRPA will unconditionally award the points to the subject parcel; or
2. Implement a water quality improvement project consistent with TRPA's 208 plan and of equal or superior value to the fee calculated in 1, above. Per-unit costs in this appendix shall be calculated using Table 53.11.10-1 and shall be used to estimate the project's value. TRPA will conditionally award the additional points to the subject property until completion of the water quality improvement project, at which time the condition will be removed.

B. Requirements for Option 1

If option 1 is selected, the applicant is advised that the fee is non-refundable and non-transferable. The applicant shall be required to sign an acknowledgement accepting these restrictions prior to TRPA awarding points.

C. Requirements for Option 2

If option 2 is selected, the applicant shall:

1. Submit detailed plans of the proposed water quality improvement project for TRPA review and approval, including a cost breakdown of the project utilizing the per-unit costs contained herein;
2. Obtain all necessary authorizations for the required encroachment on the public right-of-way; and
3. Make appropriate arrangements for long-term maintenance of the project after its completion.

CHAPTER 53: INDIVIDUAL PARCEL EVALUATION SYSTEM
53.10 Technical Standards and Methodologies

TABLE 53.11.10-1: PER UNIT COST		
Treatment	Unit	Unit Cost
Slope Stabilization		
Rock Retaining Wall (4')	L.F.	\$60.00
Wooden Retaining Wall		
• 2' High	L.F.	\$30.00
• 3' High	L.F.	\$40.00
• 4' High	L.F.	\$50.00
• 5' High	L.F.	\$60.00
Gabions (3' High)	L.F.	\$60.00
Rock Rip-Rap	S.F.	\$2.00
Grouted Rock Rip-Rap	S.F.	\$4.00
Wattling	L.F.	\$1.00
Slope Bottom Bench	L.F.	\$8.00
Slope Serration	L.F.	\$.02
Slope Stepping	L.F.	\$.03
Runoff Conveyance, Infiltration, and Collection		
Street, Driveway, and Ditch Runoff Conveyance		
Concrete Curb and Gutter	L.F.	\$20.00
A/C Curb and Gutter	L.F.	\$15.00
A/C Rolled Curb	L.F.	\$12.00
A/C Swale	L.F.	\$12.00
Rocklined "V" Ditch		
• Type A (1' x 2')	L.F.	\$10.00
• Type A (2' x 3')	L.F.	\$15.00
• Type A (3' x 4')	L.F.	\$30.00
• Type A (4' x 6')	L.F.	\$60.00
Slotted Drain	L.F.	\$35.00
Wide Valley Gutter	L.F.	\$40.00
Collection		
Catch Basin	Each	\$5,000
Detention Basin	Each	\$10,000 - \$60,000
Storm Drain (24")	L.F.	\$40.00
Discharge Apron (5'x6'x1')	Each	\$600.00
Check Dam	L.F.	\$45.00
Grease and Oil Trap	Each	\$2000

CHAPTER 53: INDIVIDUAL PARCEL EVALUATION SYSTEM
53.10 Technical Standards and Methodologies

TABLE 53.11.10-1: PER UNIT COST		
Treatment	Unit	Unit Cost
Vegetative Matter		
Lawn Seeding (Hand)	S.F.	\$.03
Erosion Control Grass Seeding (Hand)	S.F.	\$.05
Erosion Control Grass Seeding and Mulch (Hand)	S.F.	\$.10
Erosion Control Grass Seeding, Mulch and Fertilizer	S.F.	\$.15
Hydroseeding	S.F.	\$.02
Revegetated Channel	L.F.	\$14.00
Erosion Control Tree and Shrub Planting		
Bare Root Native or Adaptive Trees and Shrubs	Each	\$1.00
Containerized Native or Adaptive Tree and Shrubs		
• Tublings	Each	\$2.00
• 1 Gallon	Each	\$8.00
• 2 Gallon	Each	\$10.00
• 5 Gallon	Each	\$50.00
• 10 Gallon	Each	\$70.00
• 15 Gallon	Each	\$160.00
SEZ Restoration	Mile	\$66,000 - \$113,000

Note: L.F. = Linear Foot
S.F. = Square Foot

Achievable Area Median Income by County

The following Achievable Area Median Income (AMI) levels by County have been calculated using the methodology outlined in Chapter 90 of the TRPA Code of Ordinances. The methodology is also reprinted at the end of this document.

El Dorado County

2018 Area Median Income (3-person household): \$72,100

2016-2018 Median Multi-Family Sale Price: \$333,333

2016-2018 Median Single-Family Sale Price: \$444,817

Income Level	Annual Income	Buying Power	Affordable Home Price	Bonus Unit Incentive Level
80%	\$57,680	3.79	\$218,607	AFFORDABLE
120%	\$86,520	3.79	\$327,911	MODERATE
125%	\$ 90,125	3.79	\$341,574	MF ACHIEVABLE
165%	\$118,965	3.79	\$450,877	SF ACHIEVABLE

Source: California Department of Housing and Community Development (HCD), South Tahoe Association of Realtors Multiple Listing Service

Douglas County

2018 Area Median Income (3-person household): \$64,500

2016-2018 Median Multi-Family Sale Price: \$387,000

2016-2018 Median Single-Family Sale Price: \$838,000

Income Level	Annual Income	Buying Power	Affordable Home Price	Bonus Unit Incentive Level
80%	\$51,600	3.79	\$195,564	AFFORDABLE
120%	\$77,400	3.79	\$293,346	MODERATE
160%	\$103,200	3.79	\$391,128	MF ACHIEVABLE
345%	\$222,525	3.79	\$843,370	SF ACHIEVABLE

Source: U.S. Department of Housing and Development (HUD), Douglas County Multiple Listing Service

Placer County

2018 Area Median Income (3-person household): \$72,100

2016-2018 Median Multi-Family Sale Price: \$588,292

2016-2018 Median Single-Family Sale Price: \$647,500

Income Level	Annual Income	Buying Power	Affordable Home Price	Bonus Unit Incentive Level
80%	\$57,680	3.79	\$218,607	AFFORDABLE
120%	\$86,520	3.79	\$327,911	MODERATE
215%	\$155,015	3.79	\$587,507	MF ACHIEVABLE
235%	\$169,435	3.79	\$642,159	SF ACHIEVABLE

Source: California Department of Housing and Community Development (HCD), Tahoe Sierra Board of Realtors Multiple Listing Service

Washoe County

2018 Area Median Income (3-person household): \$66,200

2017 Median Multi-Family Sale Price: \$473,500

2017 Median Single-Family Sale Price: \$1,189,150

Income Level	Annual Income	Buying Power	Affordable Home Price	Bonus Unit Incentive Level
80%	\$52,960	3.79	\$200,718	AFFORDABLE
120%	\$79,440	3.79	\$301,078	MODERATE
190%	\$125,780	3.79	\$476,706	MF ACHIEVABLE
475%	\$314,450	3.79	\$1,191,766	SF ACHIEVABLE

Source: U.S. Department of Housing and Development (HUD), Washoe County Multiple Listing Service

Definition of Achievable Housing

Single or multi-family residential development to be used exclusively as a residential dwelling by permanent residents with an income not in excess of the respective county's achievable area median income (AMI) percentage, using the following methodology:

1. Determine the county's median income where the housing development will be located using income limits for a family of three published annually by the US Department of Housing and Urban Development and, if applicable, the California Department of Housing and Community Development.
2. Determine the county's median single or multi-family housing price, as applicable, where the housing development will be located using median housing prices published annually by the TRPA.
3. Divide the median single or multi-family housing price, as applicable, (determine in Step 2) by 3.79 (buying power) to determine the annual income needed to afford an achievable housing unit.
4. Divide the annual income needed (calculated in Step 3) by the median income (determined in Step 1) to determine the achievable AMI percentage.

**Please note that the AMI percentages will be rounded to increments of 5%, so the percentages generated using the above methodology may differ slightly from those reported in the tables above. The percentages in the tables above are the ones that will be used in the distribution and tracking of bonus units.