

**COUNTY OF PLACER**  
Community Development/Resource Agency

Michael J. Johnson, AICP  
Agency Director

PLANNING  
SERVICES DIVISION

Paul Thompson, Deputy Director

**MEMORANDUM**

**TO:** Honorable Board of Supervisors

**FROM:** Michael J. Johnson, AICP  
Agency Director

**DATE:** June 19, 2012

**SUBJECT:** Tahoe Regional Planning Agency Background Presentation and Placer County  
Comments - Tahoe Regional Planning Agency Draft Regional Plan

**ACTION REQUESTED**

The Community Development/Resource Agency requests the Board direct staff to submit comments to the Tahoe Regional Planning Agency on the Regional Plan Update and related documents as set forth in the draft letter included as Attachment 1. Tahoe Regional Planning Agency and Community Development/Resource Agency staff are providing the Board with an update on the status of the Regional Plan Update and Agency staff is providing a recommendation for comments to the Tahoe Regional Planning Agency on the Draft Regional Plan.

**BACKGROUND**

As was presented at the April 24, 2012 Board meeting in Tahoe, the Tahoe Regional Planning Agency (TRPA) has recently released the Draft Regional Plan Update. At that meeting, staff presented anticipated comments based on staff's participation in the Regional Plan Update Committee meetings. This subcommittee (which includes TRPA Governing Board members) was created in an effort to reach a compromise on a number of issues with the Draft Plan prior to its release. Since the April 24, 2012 meeting, Public Works, Planning, Engineering and Surveying, County Executive Office, and Facility Services staff have reviewed the Draft Regional Plan and related documents and have provided comments, which have been incorporated into this staff report and are included in a proposed letter to TRPA (Attachment1), as well as in Attachment 2.

Issues that are addressed in this update of the Regional Plan include a revision to the existing Environmental Threshold Carrying Capacities (thresholds) and an update to the TRPA Code of Ordinances. The first phase of the update to the Code of Ordinances consisted of reformatting the Code to produce a more efficient and predictable document by reducing redundancies, combining definitions in a single section, eliminating obsolete information, and adding indexes and headings. These changes took effect on March 1, 2012 and have been well received by the County staff. As anticipated, staff has found the revised Code to be more user-friendly and predictable in that it utilizes a more consistent format resulting in more efficient and intuitive navigation of the document.

At its April 25 and 26, 2012 Governing Board meeting, TRPA conducted a public hearing to inform the public of the release of the Draft Regional Plan and associated Environmental Impact Statement for public review. The public comment period for the Environmental Impact Statements closes on June 28, 2012. Public comment on the Draft Regional Plan will be ongoing until adoption.

## **STATUS**

Throughout this review process, Placer County staff has consistently taken a team approach in the review of the information produced by TRPA. Input has been provided from Public Works, Planning, Engineering and Surveying, the County Executive Office, Facility Services, and the former Redevelopment Agency with respect to how TRPA's current and proposed code relates to each County discipline. Staff has participated in all meetings of the committees and subcommittees that were developed to shape this update of the TRPA Regional Plan.

Because of staff's goal to assist TRPA in achieving its State-imposed deadline to adopt the Regional Plan by December 2012, the draft comment letter to TRPA (Attachment 1) focuses on the most significant points and suggests that the less consequential items be addressed as part of future updates to the Regional Plan. The following is a summary of the comments from each department/division. Individual department/division memorandums are attachment to provide further detail on each comment:

### **Engineering and Surveying Comments on the Draft Regional Plan & Code of Ordinances:**

- The Engineering and Surveying Department provided comments related to the language used in the sections pertaining to land divisions and development within the 100-year floodplain. The suggested language changes are intended to make certain that the language from TRPA in the Regional Plan is consistent with the requirements of the County related to these processes. The comments largely focus around word-smithing changes and are not likely to generate substantial discussion and/or controversy from TRPA.

### **Engineering and Surveying Comments on the Regional Plan Update EIS:**

- Related to Mitigation Measure 3.3-1, which applies to all of the Regional Transportation Plan Alternatives, staff recommends the language in the draft be modified to include, "if feasible" as it relates to the mitigation for enhanced non-motorized and public transportation projects and services. As this could be construed as an unfunded mandate, County staff proposed to modify the language to provide flexibility should funding not be available.

### **Facility Services Comments on the Regional Plan:**

- Museums – The plan indicates that TRPA will confer with local, state, and federal authorities to maintain a list of significant architectural and archaeological sites. The Department of Museums asks the questions: Who at TRPA will maintain this list? Where exactly will the list be kept? Would it be possible to get a copy of this list?
- Parks – The memorandum from the Parks Department provided a number of suggested changes that were more technical in nature such as the correction of names for locations, clarification on terms used such as surface "hardening," and suggested policy modifications to further the efforts on recreational items such as trails. Similar to the comments from Engineering and Surveying on the Regional Plan and Code of Ordinances, staff does not anticipate the noted comments will generate much discussion and/or controversy from TRPA.

### **Facility Services Comments on the TRPA Regional Plan EIR/EIS– Chapter 3.11**

- Speaking to the technical adequacy of the EIS, Section 3.11.1 states "no changes of the Recreation Element of the Goals and Policies are proposed as part of this Regional Plan Update." However, the Goals and policies listed under Section 3.11.2 "Regulatory Background" do not match the Goals and Policies of Chapter V, Recreation Element, of the draft TRPA Regional Plan Goals & Policies. Staff would ask that TRPA rectify and/or explain this contradiction.

Similarly, a number of other suggestions were provided for technical amendments to the EIS, specifically related to name changes and text modifications, which is further defined in the attached memorandum.

Facility Services Comments on the TRPA Code of Ordinances

- Staff would ask that TRPA modify Section 85.7 Vegetation to add language allowing public agencies to maintain vegetation in the backshore for the purpose of public safety, public access, and vegetative health in publicly maintained beach areas.

Facility Services General Comments

- The County identified that the lists of sample recreation features for disbursed, developed, and urban recreational facilities vary within the various documents and sections. A list of features for each category should be produced and used uniformly.
- The new "Mixed-Use" designation has replaced the current Commercial and Public Service designation. The Town Centers District, Regional Center District, and High Density Tourist District are also new land use designations. However, Attachment 6 (Land Use and Management Designations for Planning Areas) does not indicate these new designations for any of the Plan Area Statements. Staff asks that TRPA clarify if this is an oversight or an intentional omission, such that those designations are not presently intended for the current Plan Area Statement (PAS) in place.
- Although TRPA has decided not to apply any land use changes (including the use of the Transect concept) with this version of the TRPA Regional Plan in order to meet their adoption deadline, the County would ask to be kept informed of any mid-cycle update that may include such changes.

Planning Services Division Comments on the TRPA Regional Plan EIR/EIS:

- Chapter 3 (Greenhouse Gas Emissions and Climate Change) of the RPU and RTP EIS lists the California Strategic Growth Council-Funded Sustainability Planning – the Sustainability Plan and the Lake Tahoe Sustainability Collaborative under the "Regulatory Background" for the State in Section 3.5.2. The County has concern with this reference, given that as a partner in this effort, it has been the County's understanding that the Sustainability Plan is not being prepared to serve as a regulatory document that local California governments are required to adopt and comply with. Furthermore, it is the County's understanding that the Sustainability Collaborative was not established to serve as a governing body and would have no authority or oversight over local planning efforts. However, based upon the reference in the RPU EIS and RTP EIS, it would appear that the Sustainability Plan would provide regulations related to the Climate Change and reduction of impacts associated with Greenhouse Gas Emissions, and that the Sustainability Collaborative would also serve in a regulatory function, overseeing mitigation implementation tools.
- In addition, throughout the EIR/EIS, the Sustainability Plan is referenced as a tool to implement mitigation measures related to Greenhouse Gas Emissions impacts. Based upon the website created for the Sustainability Collaborative, the purpose of the Collaborative is to *"coordinate sustainability efforts and help define and implement the Sustainability Action Plan and related tools tailored to the Tahoe-Truckee region"*. This website also provides clarification regarding the relationship between the Sustainability Collaborative and the TRPA, noting that, the *"Tahoe Regional Planning Agency (TRPA) Governing Board provides oversight through the authority of the Bi-State Compact (PL96-551) for regional planning and environmental protection; in particular to guide and regulate land use practices that may adversely impact environmental sustainability. While some of the tools developed by the Sustainability Collaborative will be of value to TRPA, the TRPA mission does not extend to the broader framework envisioned for the Sustainability Collaborative. The Sustainability Collaborative is non-regulatory and non-governmental"*.

This is consistent with the County's understanding of the Sustainability Collaborative, and therefore the County believes that the inclusion of the Sustainability Plan as a tool to implement

mitigation measures in the RPU EIS and RTP EIS is in conflict with the Tahoe partner's intent of the Sustainability Plan (as a non-regulatory document) and the overall purpose of the Sustainability Collaborative (as a non-governing body with no regulatory oversight, but to oversee the development of the Sustainability Plan). The County asserts that the Sustainability Plan is not a regulatory document and the Sustainability Collaborative is not a governing body that has authority over a regulatory document, and therefore, the RPU EIS and RTP EIS should not be referencing the Sustainability Plan or the Sustainability Collaborative in the RPU EIS and RTP EIS.

- The document should acknowledge the presence of General Plans and Community Plans in areas where such documents may also provide regulatory control and/or guidance. An example of this is the Chapter on Greenhouse Gases and Climate Change (Chapter 3.5). At a minimum, the applicable documents should be referenced and, ideally, the mitigation measures should be consistent with the existing regulations in place such that the measures reduce redundant and duplicative review.
- Transportation Strategy Package B- 3.3-32- It is unclear what type of capital and operational improvements to TART would be proposed or acceptable for mitigation associated with metered development allocations and as such is impossible to analyze. It is also impossible to analyze what bike trail segments would be required to be constructed in Placer County that would meet mitigation standards required to allocate development commodities. The document needs to clarify these sections, or at least refer to an Appendix that may have a specific list of proposed projects, programs and operational improvements.
- 3.3-42- Regarding LOS standards in Tahoe City being exceeded at LOS E because it is a rural area: how was a rural determination made? FHWA maps show Kings Beach and Tahoe City in Placer County as urbanized areas. Additionally, the EIS should analyze rural versus urban standards in context of the Tahoe Basin, which has peak traffic flows beyond what would be expected when only considering full time population bases, due to significant tourist influx. With roughly as many as 20,000 cars per day on a peak day, Tahoe City would not be considered rural by any traffic standard, and therefore a LOS E for a period of four hours or less should not be considered a "significant" impact.
- MM 3.3-3- The proposed system of mitigation tied to roadway Level of Service (LOS) is a disincentive to environmental redevelopment in Placer County, and will result in undermining threshold attainment. The Kings Beach Commercial Core Improvement Project (KBCCIP), is a key mitigation project included in Transportation Strategy Package B, which is tied to Alternatives 2, 3 and 4. The KBCCIP was approved by Placer County and TRPA and intentionally reduces roadway capacity in order to attain Pedestrian Transit Oriented Development goals preferred in the Compact. Both jurisdictions approved the project with the knowledge that the capacity reduction would degrade LOS, because it resulted in meeting TRPA's goal of focusing travel demand toward bicycle and pedestrian use, rather than automobile use. The KBCCIP is included in all Transportation Strategy Packages analyzed in the EIS as a capital transportation mitigation project. However, because this project will degrade LOS standards while also making the desired bicycle and pedestrian standard improvements, (as preferred by TRPA) this project will result in the allocation of fewer development commodities based on the mitigation system proposed. It now appears that TRPA proposes to meter development in Placer County to mitigate development impacts until and unless LOS can be improved to a 10 percent reduction from 1981 VMT. This is untenable and will result not only in degraded capacity to redevelop blighted properties, will result in significant negative impacts to the economy and capacity for future environmental improvement projects. In areas where TRPA-mandated projects have been completed, rather than disincentivise development, special considerations should be made to create an incentive-based system that commodities where those associated environmental redevelopment projects are

- 3.3-44- Why are there no sample projects for the Tahoe City or Kings Beach areas on this list. At least one for each should be added.
- As discussed on Page 3.2-2, Redirection of Development is the land use focus of TRPA's updated Regional Plan. Unfortunately, this concept misses the mark for attaining quality of life, economic sustainability and environmental improvements in the Placer County portion of the Tahoe basin, as its basis for creation lies in the attempt to remediate overdevelopment in Stream Environment Zones that occurred in South Lake Tahoe in the 1960s, and has little or no nexus with development patterns in eastern Placer County. This "one size mitigates all" approach is overly-prescriptive for a Regional Plan and fails to acknowledge differences in the built environment found in distinct jurisdictions and communities.
- There is no analysis that illustrates that the proposed 1:3 development commodity (coverage, commercial floor area and tourist accommodation units) transfer ratios proposed under Alternative 3, and the 1:2 ratio proposed in Alternative 4 (Pages 3.2- and 3.2-15) will result in the incentives necessary to spur the significant level of environmental redevelopment necessary to achieve TRPA threshold attainment. Until an environmental redevelopment program is developed that is certain to result in actual, not conceptual incentives, the economic model for redevelopment of the Tahoe basin is likely to continue to fail and result in further blight, flight and environmental degradation.

This is no better illustrated than in Exhibit 3.2-7, which maps sensitive and non-sensitive areas by sub-region. As noted in North Lake Tahoe, Placer County, a vast majority of commercial area along the state highway system are in non-sensitive land classification areas. As such, there is limited capacity in Placer County to transfer existing coverage off sensitive lands to Town Centers with soil classification appropriate as a receiving area for new and redevelopment. Ironically, the only commercial area noted as sensitive is downtown Tahoe City, which is largely encompassed on sensitive lands, yet is identified in the plan as a Town Center in a future community plan and a receiving area for coverage and other development commodities. Additionally, under Alternative 4, Exhibit 3.2-15 contemplates non-sensitive lands as sending areas. While this addresses the concern about seeking coverage outside a project's jurisdiction, it calls into question the purpose of requiring development to be removed from non-sensitive areas, in favor of moving to Town Centers.

Further, the EIS seems to contain no analysis that illustrates that the limited height restrictions proposed under Alternative 3 in Placer County's two Town Centers (two stories on the south side of SR 28 and Kings Beach and three stories on the north- Exhibit 3.2-11, as an example) will result in enough density to make LOS improvements necessary to trigger the allocation of development commodities needed to implement such projects (see Transportation 3.3-29-30).

- Finally, while TRPA has certain authorities and responsibilities as a regional planning agency, TRPA must recognize local jurisdiction boundaries and the complications that could arise when one jurisdiction must depend on goals and interests of another jurisdiction in order to capture rights necessary to accomplish public and private development projects. It is easy to envision scenarios in which attainment of those rights might make a project financially infeasible, if

attainment of those rights were granted at all. The analysis should include commodity allocation programs that acknowledge jurisdictional differences, rather than the current one size mitigates all approach currently proposed.

Planning Services Division Comments on the Draft Regional Plan:

- Throughout the Draft Plan, it is stated that more project review authority should be transferred to the local jurisdictions. However, the requirements that TRPA places on the local jurisdictions leave little latitude to actually provide independent review authority. At times, it can be frustrating to have discussions regarding the ability to determine the local jurisdiction's own destiny by way of Area Plans, but then to have details as specific as height and setbacks pre-determined in the Regional Plan. It would be preferred that the Regional Plan provide guidance to make certain that specific topics are addressed in the Area Plan, but to allow the specificity of those items to be determined through the Area Plans. It appears TRPA staff is concerned that leaving these items out would be in conflict with the Regional Plan. County staff does not believe this is not a valid concern, as each Area Plan will need to be found in conformance with the Regional Plan prior to adoption.
- Despite continuous requests from the County and other local jurisdictions to reduce duplicative review, the Draft Plan continues to impose unfunded mandates on regulatory authorities. Examples of duplicative review include, but are not limited to, noise, Best Management Practices (BMP), Water Quality and the Total Maximum Daily Load (TMDL), the need to have "historic" structures reviewed at both TRPA and the County's Department of Museums, and an urban bear strategy. County staff would suggest that the existing regulations that are already in place be acknowledged and that TRPA defer to those regulations as much as possible to reduce the redundancies in review and the possibility of conflicting provisions.
- The Allocation system is a distribution of residential single-family home commodities that is contained within the Code to regulate the rate and extent of development within the Basin. This system of review needs to be further refined, specifically the method/process for releasing allocations. In addition, staff has concerns over the proposed units of commodities proposed for distribution as noted below:
  - There is concern as to how the residential units will be allocated to each agency and whether there are sufficient quantities to provide the needed housing in the region. The preferred Alternative 3 suggests an allocation of 2,600 Residential Allocations; what it is not known is how the units will be distributed to each agency. Under the current system, the distribution occurs based on performance as determined by the annual performance review audit. While 2,600 Residential Allocations may be sufficient to address the needs of the region, staff would ask that this be re-evaluated as part of the "To-Do List" as a priority. Part of this re-evaluation should include a housing needs study to substantiate the number of allocations arrived at.
  - The Commercial Floor Area to be released is not adequate to cover the 20-year time period that this Regional Plan will cover (as proposed, the Commercial Floor Area equates to 10,000 square feet per year to be distributed amongst all jurisdictions). As a comparison, Placer County allocated 128,623 square feet of Commercial Floor Area between the 1986 and 2011.
  - Tourist Accommodation Units – The County continues to convey the Board's direction on TAUs, and that the science does not support a problem with TAU "morphing" (the conversion of smaller, 400 square foot motel units into much larger, 2,500 square foot timeshare units that more closely resemble single-family dwellings). The analysis provided by County staff that has been acknowledged by your Board suggests that the concerns with TAU morphing occur only in the perception of some individuals. There are a number of other constraints that limit the size of TAUs (including density, setbacks, and height). Traffic analyses further indicates that the size of a TAU does not result in an increase to the trip generation for a TAU project.

Accordingly, the science suggests that there are no additional impacts on the environment from TAU "morphing" that would justify the need for TRPA to limit the size of TAUs.

- Allowances (variances, transfer incentives, acknowledgement within the Code for non-conforming uses and structures) need to be made to reflect the existing built environment. TRPA has ambitious goals within the Draft Plan that should be encouraged for how to direct development or redevelopment. However, certain allowances, including the ability to process variances and provide effective incentives, need to be provided in order to be effective in this effort. To this end, flexibility to modify incentives provided needs to be made available to the process. The Plan should allow for minor changes to be made if the transfer incentives (such as coverage) are not encouraging enough to result in the activity that is identified and desired from the planning process.
- The Regional Plan envisions the creation of Area Plans, which will become part of the Regional Plan upon adoption through a determination by the Governing Board that they are in conformance with the Regional Plan. TRPA determined that the land use changes that were requested would not be feasible to have addressed prior to the December 2012 deadline. Accordingly it was determined that such changes should be considered as part of the future creation of Area Plans. Area Plans would address the land use designations as well as provide area specific design criteria such as setbacks, height, and other similar requirements. County staff suggests that more detail on Area Plan Conformance, including a complete definition and a description of what it would entail, has been requested by the County and other jurisdictions. TRPA recently suggested a "pilot" plan to ensure the conformance process works. Staff believes such a "pilot" plan could result in additional delays in the review of the County's Area Plans. In the event there are issues with the particular "pilot" plan identified that are unique to that plan as opposed to Area Plans in general, the jurisdictions would be left waiting for those issues to be resolved in order to move forward with our own Area Plans. Furthermore, because each region is unique, staff has determined that it is unreasonable to believe that one template could be created and utilized for the entire basin. Also related to this topic, staff has concern over the need to review conformance with the Regional Plan of the Area Plans on an annual basis. It is staff's position that once found in conformance upon adoption and with annual review of the permitting activities, that sufficient safeguards are in place to protect against any concerns with lack of conformance.
- TRPA has, in certain instances, improperly identified which items should be goals, policies, or implementation measures. Input provided by the County and other local jurisdictions indicated that goals and policies were, at times, too specific, and some of the implementation measures were too general and therefore not enforceable. This creates uncertainty from staff as to which document to reference if what is actually a goal and policy resides in the implementation measures and vice versa.
- Subdivisions – Although there was discussion regarding eliminating the prohibition against subdivisions, TRPA will not be addressing this change as part of the Regional Plan update, as the issue of subdivisions was not addressed in the Environmental Impact Study (EIS) prepared for the Regional Plan update. Staff would ask that TRPA place the Two-Step Subdivision process requirement on the "To-Do List" to be further refined and improved upon.
- Height – Despite recent TRPA height allowances associated with the Community Enhancement Program projects (Boulder Bay and Homewood), TRPA will not revisit the height calculation methodology because it is not evaluated in the EIS. Additionally, County staff does not support the use of stories as a method for measurement. It is County staff's position that height should be measured in a method that is understandable by staff from all jurisdictions, professionals, and the layperson and be measured in terms of feet.

- Biomass – The RPU suggested that no biomass projects will be accepted without first having the environmental analysis completed, where this review would typically be done subsequent to the application submittal. This will result in a review and debate on the merits of the practice of biomass facilities prior to even being able to submit for a project. While there may not be any need for this in the near future, it seems unnecessary to add another requirement that already exists. Any project will already need to evaluate the environmental impacts of that project. This can result in lengthier review timeframes for a project. When a project such as a biomass facility is to be funded with grant money or similar funding strategies any delay could result in the project not being feasible simply from a timing standpoint.
- Community Design – This section includes many of the very same provisions that can be found in the zoning codes or future Area Plans for the local jurisdictions resulting in another example of duplicative review. Constraining provisions such as setbacks, height, signage, lighting, landscaping, view sheds, and similar items are incorporated into the existing and proposed TRPA Code of Ordinances that do not allow flexibility when there is specific mention to the numbers of stories, or specific requirements for signage. Instead, County staff would prefer the Regional Plan provide guidance to what to include or avoid when creating the Area Plans and allow each Area Plan the flexibility to be creative in addressing the concerns identified in the Regional Plan. Just as an example, perhaps certain areas may be appropriate for increased height with no adverse impacts if it could be offset by other areas that allow less height.
- Water Quality – This section is another example of duplicative review that is also regulated by state or local agencies. In many instances the requirements may be the same for erosion control and the required Best Management Practices. At a minimum the duplicative review of multiple agencies results in a lengthier review process and/or conflicting requirements and direction. The discussion on this topic was particularly important as it relates to the TMDL unfunded mandate.
- Wildlife – The Regional Plan Update Committee was adamant about “encouraging local governments to develop and enforce an urban bear strategy”. The County and other local jurisdictions commented that this is not a “regional planning” matter. All jurisdictions reported that their respective municipalities already have policies in place to address the conflict between bears and refuse collection.
- Soils – Significant progress was made when TRPA agreed to evaluate the flaws in the mathematical equation as part of the County’s plea to lower the Individual Parcel Evaluation System (IPES) line. The Code of Ordinances has a mathematical equation to determine the IPES score for a jurisdiction, which includes the number of vacant and retired parcels. Placer County has suffered from the parcels in Kings Beach that contain multiple lots that became consolidated prior to being retired. This has negatively impacted the County’s scoring, resulting in Placer County being the only jurisdiction with a required IPES score above 1 in order to deem a parcel developable. TRPA currently requires that parcels within Placer County achieve a minimum IPES score of 726 in order to develop that parcel. Once addressed, this will hopefully eliminate Placer County being the only jurisdiction within the authority of TRPA that would contain parcels that cannot be developed by lowering the County’s required buildable IPES score to a minimum of 1, matching that of all other jurisdictions. This is one of the items that have been moved to the future “To-Do List”.
- Transit Level of Service – The Levels of Service included in the Regional Plan are already unattainable levels in that many roadways are functioning below the levels listed within the Regional Plan. The County’s concern is that environmental analysis of future projects will always identify issues with traffic based on this document. This could result in future projects automatically having significant and unavoidable impacts identified in the traffic analysis.

- Placer County learned from its Tahoe Basin Community Plan Update workshop that a desire exists amongst residents to focus on increasing the percentage of primary residents in the basin. As stated at the workshop, existing residents believe having an increased number of primary residents in the Basin is the key to creating a sustainable, diverse, and vibrant community. Policy LU-1-1 suggests that TRPA is not focused on livability for full-time residents as much as TRPA needs to be.
- A mixed use and/or light industrial category needs to be added to Policy LU -2.1 (Additional Development Permitted in the Region).
- It is unclear how Policy LU-2.4 and LU-2.5 (Nonconforming Uses and Structures) will assist Placer County and Truckee River landowner's whose properties are currently categorized as being non-conforming make improvements/upgrades to said properties? These policies should note consideration of Regional Plan Amendments brought forward by way of local plans found in conformance and as a way to recognize existing land uses. As was mentioned at the RPU Committee meetings, history has shown that simply identifying nonconforming uses and disallowing changes does not result in the removal of the non-conforming structure. In fact, it can be argued that not allowing improvements almost guarantees those buildings and uses will not be removed and simply deteriorate over time and become health and safety hazards.
- Policy LU-3.4, which speaks to existing development patterns in residential neighborhoods outside Town Centers, seems restrictive in nature, and may limit local plans from bringing forward zoning districts that allow for a mix of uses related to residential services within residential neighborhoods. For example, residents in many neighborhoods in the North Tahoe Basin area have indicated a desire to allow for a reasonable mix of uses in their neighborhoods, including neighborhood markets or restaurants, coffee shops on some designated areas, where the primary district is residential in nature, however the integration of residential service uses provides for a more vibrant neighborhood.

### **CHANGES MADE DURING THE RPU COMMITTEE PROCESS**

As mentioned, staff from the various departments and divisions has participated at all meetings of the committees and subcommittees that have been developed to shape this update of the TRPA Regional Plan depending on the topic and area of expertise for each discipline. The success of the RPU Committee process and the benefit of having participation from local government staff resulted in several important shifts from the direction of the original plan drafts. County staff worked with TRPA to accomplish a number of changes with those listed below as examples of the successful partnering with TRPA on this Regional Plan Update effort.

One of the most encouraging items that came out of this process was the acknowledgement from TRPA to include the review of the methodology for the calculation of the Individual Parcel Evaluation System (IPES) as one of the future To-Do List items. The mathematics of this calculation has (for years) impacted Placer County and resulted in our jurisdiction being the only one that has a buildable IPES score above 1. Currently, Placer County requires an IPES score of 726. This results in Placer County having a number of parcels that are currently "unbuildable", as compared to the other jurisdictions where all parcels are possible to build on within the coverage limitations for that parcel. As mentioned above, the flaw in the calculation to lower the IPES score occurs based on being negatively impacted from the retiring of consolidated parcels.

The initial proposed policies for Housing contained language regarding 1) each local jurisdiction assuming its "fair share" of responsibility to provide lower and very low-income housing; and 2) a requirement where the local jurisdictions would prepare a housing needs assessment, which would be reviewed by TRPA every five years. County staff opposed this language at the RPU Committee Meeting, noting that it has a tone similar to the State's Housing Element requirements, and therefore

adds another arduous analysis requirement for locals to conduct and would result in unnecessary duplicity in terms of workload for the locals. The Draft RPU policy document took this into consideration and modified the language accordingly to be consistent with the language contained within the State Housing Element.

The original proposal for the Air Quality section included policy language pertaining to air quality mitigation included a provision where local air quality mitigation funds would be banked by to be used on the most cost effective and environmentally beneficial projects in the region (at the discretion of TRPA). The implementation measure noted an amendment to the code of ordinances to allow distribution of 50 percent of the funds across jurisdictional boundaries to support projects of Regional priority. Placer County as well as other local jurisdictions opposed this language noting that mitigation funds should be allocated in concurrence and in collaboration with the locals, with primary focus to spend such funds on local projects that provide collective, regional threshold gain. It appears that the Draft RPU policy document took this into consideration and modified the language to be more broad and collaborative in nature.

The Regional Plan Update Committee focused attention on the Natural Hazards section that included a prohibition of construction in floodplains, which was reduced in scope to be wave run-up areas. This alleviated concerns from the local jurisdictions. It also helped to reduce the redundant review we continue to speak against by focusing the matter to projects that truly impact the issues TRPA should be focused on.

At one of the RPU Committee meetings, the Committee made the decision to eliminate one of the sections of the Code that was so specific as to dictate the design elements of the driveway for a single-family residence. The discussion centering around this decision, which was bolstered by the support from the local government staff, was that the local jurisdictions already have regulations in place and that this item was not necessary. Staff is optimistic that this mindset could be expanded upon and assist in the actual shift to the TRPA being more of a true "regional planning" agency.

Over the past several years, the North Lake Tahoe Resort Association and staff from a number of different agencies have met to discuss the ability to provide Wayfinding Signage in our area of the Lake Tahoe basin. During the review of the proposed Code language for the amendments, staff was successful in language being added that would specifically allow for such signage, where previous language sought to prohibit offsite signage. While staff from the local jurisdictions seemed to prefer this off premise sign matter be left to the local jurisdictions, this was a step in the right direction to address our immediate concerns. Particularly since there is not the ability to have a variance to TRPA's Code.

#### **FISCAL IMPACT**

The action of the Board to provide comments on the Draft Regional Plan Update and related documents does not have a fiscal impact. However, requirements that TRPA will place on the County for unfunded mandates should the Regional Plan be adopted as proposed may have a fiscal impact on the County. The extent of that impact is not known at this time.

#### **CONCLUSION**

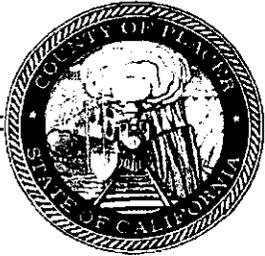
Staff asks that the Board provide direction to submit comments to the TRPA as provided in the draft letter included as attachment 1 to this report. Once directed, staff will present the letter on the Board's behalf at the TRPA Governing Board meeting on June 28, 2012 when TRPA will be receiving comments on the technical adequacy of the Draft Environmental Impact Statement for the Regional Plan Update.

**ATTACHMENTS:**

Attachment 1: Letter to TRPA, County Comments on Regional Plan Update and related documents

Attachment 2: Individual Department/Division Comments

cc: Holly Heinzen, Interim County Executive Officer  
Jennifer Merchant, Tahoe County Executive Office  
Karin Schwab, County Counsel's Office  
Loren Clark, Assistant Planning Director  
Wes Zicker, Engineering and Surveying Director  
Paul Thompson, Deputy Planning Director  
Steve Buelna, Supervising Planner  
Crystal Jacobsen, Supervising Planner  
Ken Grehm, Department of Public Works Director  
Peter Kraatz, Deputy Public Works Director  
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**PLANNING**  
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June 19, 2012

Ms. Joanne Marchetta, Executive Director  
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PO Box 5300  
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**SUBJECT: Placer County Comments - Tahoe Regional Planning Agency Draft Regional Plan**

Dear Ms. Marchetta:

Thank you for providing Placer County the opportunity to review the Tahoe Regional Planning Agency (TRPA) Draft Regional Plan Update Environmental Impact Statement, Draft Regional Plan, Draft Code of Ordinances, and related documents. Placer County has been actively participating throughout this process and has a strong interest in the ability for future development and redevelopment within its North Lake Tahoe region. The County supports the policies of your organization that allow for development and redevelopment activities that accomplish the simultaneous goals of protecting the natural environment, improving substandard housing conditions, upgrading deficient infrastructure, revitalizing the local economy, and improving the quality of life for local residents, workers, and visitors. Placer County has invested significant resources to pursue these goals by targeting investment and redevelopment project efforts in strategic locations that are considered best placed to provide the greatest overall community benefit. Similarly, the County has allocated significant resources to provide staff resources to not only monitor the Regional Plan Update as it develops, but also to begin the work on the Area Plans that will further advance the efforts of TRPA.

Below is a summary of comments from various County departments. Because of the County's desire to assist TRPA in achieving its December 2012 mandate, the comments focus on the most significant points to be addressed under the approval of these documents. In an effort to retain the opportunity to comment on items the County believes should be changed (but may not be practical to address in this review) the County has provided some comments within this letter on items that should be evaluated and taken up as part of the "To-Do List". Speaking to that issue, the County would appreciate if the "To-Do List" could be published in a format that includes prioritization and deadlines completion, particularly as it relates to the requested changes to the Individual Parcel Evaluation System scoring, Housing needs assessment, and other similar items of interest to the County.

*Engineering and Surveying Comments on the Draft Regional Plan & Code of Ordinances:*

- The Engineering and Surveying Department provided comments related to the language used in the sections pertaining to land divisions and development within the 100-year floodplain. The suggested language changes are intended to make certain that the language from TRPA in the Regional Plan is consistent with the requirements of the County related to these processes.

Engineering and Surveying Comments on the Regional Plan Update EIS:

- Related to Mitigation Measure 3.3-1, which applies to all of the Regional Transportation Plan Alternatives, staff recommends the language in the draft be modified to include language, "if feasible" as it relates to the mitigation for enhanced non-motorized and public transportation projects and services. As this could be construed as an unfunded mandate, County staff proposes to modify the language to provide flexibility should funding not be available.

Facility Services Comments on the Regional Plan:

- Museums – The plan indicates that TRPA will confer with local, state and federal authorities to maintain a list of significant architectural and archaeological sites. The Department of Museums asks the questions: Who at TRPA will maintain this list? Where exactly will the list be kept? Would it be possible to get a copy of this list?
- Parks – The memorandum from the Parks Department provided a number of suggested changes that were more technical in nature such as the correction of names for locations, clarification on terms used such as surface "hardening," and suggested policy modifications to further the efforts on recreational items such as trails.

Facility Services Comments on the TRPA Regional Plan EIR/EIS– Chapter 3.11:

- Speaking to the technical adequacy of the EIS, Section 3.11.1 states "no changes of the Recreation Element of the Goals and Policies are proposed as part of this Regional Plan Update." However, the Goals and policies listed under Section 3.11.2 "Regulatory Background" do not match the Goals and Policies of Chapter V, Recreation Element, of the draft TRPA Regional Plan Goals & Policies. Staff requests that TRPA rectify and/or explain this contradiction.

Similarly, a number of other suggestions were provided for technical amendments to the EIS, specifically related to name changes and text modifications, which is further defined in the attached memorandum.

Facility Services Comments on the TRPA Code of Ordinances:

- The County requests that TRPA modify Section 85.7 Vegetation to add language allowing public agencies to maintain vegetation in the backshore for the purpose of public safety, public access, and vegetative health in publicly maintained beach areas.

Facility Services General Comments:

- The County identified that the lists of sample recreation features for disbursed, developed, and urban recreational facilities vary within the various documents and sections. A list of features for each category should be produced and used uniformly.
- The new "Mixed-Use" designation has replaced the current Commercial and Public Service designation. The Town Centers District, Regional Center District, and High Density Tourist District are also new land use designations. However, Attachment 6 (Land Use and Management Designations for Planning Areas) does not indicate these new designations for any of the Plan Area Statements. The County requests that TRPA clarify if this is an oversight or an intentional omission, such that those designations are not presently intended for the current Plan Area Statement (PAS) in place.

Planning Services Division Comments on the TRPA Regional Plan EIR/EIS:

- Chapter 3 (Greenhouse Gas Emissions and Climate Change) of the RPU and RTP EIS lists the California Strategic Growth Council-Funded Sustainability Planning – the Sustainability Plan and

the Lake Tahoe Sustainability Collaborative under the "Regulatory Background" for the State in Section 3.5.2. The County has concern with this reference, given that as a partner in this effort, it has been the County's understanding that the Sustainability Plan is not being prepared to serve as a regulatory document that local California governments are required to adopt and comply with. Furthermore, it is the County's understanding that the Sustainability Collaborative was not established to serve as a governing body and would have no authority or oversight over local planning efforts. However, based upon the reference in the RPU EIS and RTP EIS, it would appear that the Sustainability Plan would provide regulations related to the Climate Change and reduction of impacts associated with Greenhouse Gas Emissions, and that the Sustainability Collaborative would also serve in a regulatory function, overseeing mitigation implementation tools.

- In addition, throughout the EIR/EIS, the Sustainability Plan is referenced as a tool to implement mitigation measures related to Greenhouse Gas Emissions impacts. Based upon the website created for the Sustainability Collaborative, the purpose of the Collaborative is to *"coordinate sustainability efforts and help define and implement the Sustainability Action Plan and related tools tailored to the Tahoe-Truckee region"*. This website also provides clarification regarding the relationship between the Sustainability Collaborative and the TRPA, noting that, the *"Tahoe Regional Planning Agency (TRPA) Governing Board provides oversight through the authority of the Bi-State Compact (PL96-551) for regional planning and environmental protection; in particular to guide and regulate land use practices that may adversely impact environmental sustainability. While some of the tools developed by the Sustainability Collaborative will be of value to TRPA, the TRPA mission does not extend to the broader framework envisioned for the Sustainability Collaborative. The Sustainability Collaborative is non-regulatory and non-governmental"*.

This is consistent with the County's understanding of the Sustainability Collaborative, and therefore the County believes that the inclusion of the Sustainability Plan as a tool to implement mitigation measures in the RPU EIS and RTP EIS is in conflict with the Tahoe partner's intent of the Sustainability Plan (as a non-regulatory document) and the overall purpose of the Sustainability Collaborative (as a non-governing body with no regulatory oversight, but to oversee the development of the Sustainability Plan). The County asserts that the Sustainability Plan is not a regulatory document and the Sustainability Collaborative is not a governing body that has authority over a regulatory document, and therefore, the RPU EIS and RTP EIS should not be referencing the Sustainability Plan or the Sustainability Collaborative in the RPU EIS and RTP EIS.

- The document should acknowledge the presence of General Plans and Community Plans in areas where such documents may also provide regulatory control and/or guidance. An example of this is the Chapter on Greenhouse Gases and Climate Change (Chapter 3.5). At a minimum, the applicable documents should be referenced and, ideally, the mitigation measures should be consistent with the existing regulations in place such that the measures reduce redundant and duplicative review.
- Transportation Strategy Package B- 3.3-32- It is unclear what type of capital and operational improvements to TART would be proposed or acceptable for mitigation associated with metered development allocations and as such is impossible to analyze. It is also impossible to analyze what bike trail segments would be required to be constructed in Placer County that would meet mitigation standards required to allocate development commodities. The document needs to clarify these sections, or at least refer to an Appendix that may have a specific list of proposed projects, programs and operational improvements.

- 3.3-42- Regarding LOS standards in Tahoe City being exceeded at LOS E because it is a rural area: how was a rural determination made? FHWA maps show Kings Beach and Tahoe City in Placer County as urbanized areas. Additionally, the EIS should analyze rural versus urban standards in context of the Tahoe Basin, which has peak traffic flows beyond what would be expected when only considering full time population bases, due to significant tourist influx. With roughly as many as 20,000 cars per day on a peak day, Tahoe City would not be considered rural by any traffic standard, and therefore a LOS E for a period of four hours or less should not be considered a "significant" impact.
- MM 3.3-3- The proposed system of mitigation tied to roadway Level of Service (LOS) is a disincentive to environmental redevelopment in Placer County, and will result in undermining threshold attainment. The Kings Beach Commercial Core Improvement Project (KBCCIP), is a key mitigation project included in Transportation Strategy Package B, which is tied to Alternatives 2, 3 and 4. The KBCCIP was approved by Placer County and TRPA and intentionally reduces roadway capacity in order to attain Pedestrian Transit Oriented Development goals preferred in the Compact. Both jurisdictions approved the project with the knowledge that the capacity reduction would degrade LOS, because it resulted in meeting TRPA's goal of focusing travel demand toward bicycle and pedestrian use, rather than automobile use. The KBCCIP is included in all Transportation Strategy Packages analyzed in the EIS as a capital transportation mitigation project. However, because this project will degrade LOS standards while also making the desired bicycle and pedestrian standard improvements, (as preferred by TRPA) this project will result in the allocation of fewer development commodities based on the mitigation system proposed. It now appears that TRPA proposes to meter development in Placer County to mitigate development impacts until and unless LOS can be improved to a 10 percent reduction from 1981 VMT. This is untenable and will result not only in degraded capacity to redevelop blighted properties, will result in significant negative impacts to the economy and capacity for future environmental improvement projects. In areas where TRPA-mandated projects have been completed, rather than dis-incentivise development, special considerations should be made to create an incentive-based system that commodities where those associated environmental redevelopment projects are consistent with TRPA's focus on Pedestrian and Transit Oriented Development (PTOD). TRPA cannot on one hand require that a project be implemented in its mitigation strategies, and on the other hand refuse to allocate development commodities because that project resulted in an LOS reduction, as planned and approved by TRPA. TRPA should eliminate from consideration use of LOS as a mitigation measure and allocation lever and consider utilizing only true air quality measures in each jurisdiction (CO and PM10), and ozone regionally, rather than the outdated VMT standard that does not measure or result in air quality improvements.
- 3.3-44- Why are there no sample projects for the Tahoe City or Kings Beach areas on this list. At least one for each should be added.
- As discussed on Page 3.2-2, Redirection of Development is the land use focus of TRPA's updated Regional Plan. Unfortunately, this concept misses the mark for attaining quality of life, economic sustainability and environmental improvements in the Placer County portion of the Tahoe basin, as its basis for creation lies in the attempt to remediate overdevelopment in Stream Environment Zones that occurred in South Lake Tahoe in the 1960s, and has little or no nexus with development patterns in eastern Placer County. This "one size mitigates all" approach is overly-prescriptive for a Regional Plan and fails to acknowledge differences in the built environment found in distinct jurisdictions and communities.

- There is no analysis that illustrates that the proposed 1:3 development commodity (coverage, commercial floor area and tourist accommodation units) transfer ratios proposed under Alternative 3, and the 1:2 ratio proposed in Alternative 4 (Pages 3.2- and 3.2-15) will result in the incentives necessary to spur the significant level of environmental redevelopment necessary to achieve TRPA threshold attainment. Until an environmental redevelopment program is developed that is certain to result in actual, not conceptual incentives, the economic model for redevelopment of the Tahoe basin is likely to continue to fail and result in further blight, flight and environmental degradation.

This is no better illustrated than in Exhibit 3.2-7, which maps sensitive and non-sensitive areas by sub-region. As noted in North Lake Tahoe, Placer County, a vast majority of commercial area along the state highway system are in non-sensitive land classification areas. As such, there is limited capacity in Placer County to transfer existing coverage off sensitive lands to Town Centers with soil classification appropriate as a receiving area for new and redevelopment. Ironically, the only commercial area noted as sensitive is downtown Tahoe City, which is largely encompassed on sensitive lands, yet is identified in the plan as a Town Center in a future community plan and a receiving area for coverage and other development commodities. Additionally, under Alternative 4, Exhibit 3.2-15 contemplates non-sensitive lands as sending areas. While this addresses the concern about seeking coverage outside a project's jurisdiction, it calls into question the purpose of requiring development to be removed from non-sensitive areas, in favor of moving to Town Centers.

Further, the EIS seems to contain no analysis that illustrates that the limited height restrictions proposed under Alternative 3 in Placer County's two Town Centers (two stories on the south side of SR 28 and Kings Beach and three stories on the north- Exhibit 3.2-11, as an example) will result in enough density to make LOS improvements necessary to trigger the allocation of development commodities needed to implement such projects (see Transportation 3.3-29-30).

- Finally, while TRPA has certain authorities and responsibilities as a regional planning agency, TRPA must recognize local jurisdiction boundaries and the complications that could arise when one jurisdiction must depend on goals and interests of another jurisdiction in order to capture rights necessary to accomplish public and private development projects. It is easy to envision scenarios in which attainment of those rights might make a project financially infeasible, if attainment of those rights were granted at all. The analysis should include commodity allocation programs that acknowledge jurisdictional differences, rather than the current one size mitigates all approach currently proposed.

Planning Services Division Comments on the Draft Regional Plan:

- Throughout the Draft Plan, it is stated that more project review authority should be transferred to the local jurisdictions. However, the requirements that TRPA places on the local jurisdictions leave little latitude to actually provide independent review authority. At times, it can be frustrating to have discussions regarding the ability to determine the local jurisdiction's own destiny by way of Area Plans, but then to have details as specific as height and setbacks pre-determined in the Regional Plan. It would be preferred that the Regional Plan provide guidance to make certain that specific topics are addressed in the Area Plan, but to allow the specificity of those items to be determined through the Area Plans. The County believes that leaving these items out would not be in conflict with the Regional Plan, as each Area Plan will need to be found in conformance with the Regional Plan prior to adoption.
- The County has consistently provided requests to reduce duplicative review. The Draft Plan continues to impose unfunded mandates on regulatory authorities. Examples of duplicative review include, but are not limited to, noise, Best Management Practices (BMP), Water Quality and the

Total Maximum Daily Load (TMDL), the need to have “historic” structures reviewed at both TRPA and the County’s Department of Museums, and an urban bear strategy.

- The County believes the Allocation system of review needs to be further refined, specifically the method/process for releasing allocations. In addition, the County has concerns over the proposed units of commodities proposed for distribution as noted below:
  - The County is concerned with how the residential units will be distributed and whether there are sufficient quantities to provide the needed housing in the region. The preferred Alternative 3 suggests an allocation of 2,600 Residential Allocations. While this may be sufficient to address the needs of the region, the County would ask that this be re-evaluated as part of the “To-Do List” as a priority. Part of this re-evaluation should include a housing needs study to substantiate the number of allocations arrived at.
  - The Commercial Floor Area to be released is not adequate to cover the 20-year time period that this Regional Plan will cover (as proposed, the Commercial Floor Area equates to 10,000 square feet per year to be distributed amongst all jurisdictions).
  - Tourist Accommodation Units – The County continues to convey its position on TAUs, and that the science does not support a problem with TAU morphing. The analysis provided by County staff suggests that the concerns with TAU morphing occur only in the perception of some individuals. There are a number of other constraints that limit the size of TAUs (including density, setbacks, and height). Traffic analysis further indicates that the size of a TAU does not result in an increase to the trip generation for a TAU project.
- Allowances need to be made to reflect the existing built environment. TRPA has ambitious goals within the Draft Plan that should be encouraged for how to direct development or redevelopment. However, certain allowances, including the ability to process variances and provide effective incentives, need to be provided in order to be effective in this effort. To this end, flexibility to modify incentives provided needs to be made available to the process. The Plan should allow for minor changes to be made if the transfer incentives (such as coverage) are not encouraging enough to result in the activity that is identified and desired from the planning process.
- More detail on Area Plan Conformance, including a complete definition and a description of what it would entail, has been requested by the County and other jurisdictions. TRPA recently suggested a “pilot” plan to ensure the conformance process works. The County believes such a “pilot” plan could result in additional delays in the review of the County’s Area Plans. In the event there are issues with the particular “pilot” plan identified that are unique to that plan as opposed to Area Plans in general, the jurisdictions would be left waiting for those issues to be resolved in order to move forward with its own Area Plans. Furthermore, because each region is unique, the County has determined that it is unreasonable to believe that one template could be created and utilized for the entire basin. Also related to this topic, County staff has concern over the need to review conformance with the Regional Plan of the Area Plans on an annual basis. It is the County’s position that once found in conformance upon adoption and with annual review of the permitting activities, that sufficient safeguards are in place to protect against any concerns with lack of conformance.
- The County feels that TRPA has, in certain instances, improperly identified which items should be goals, policies, or implementation measures. Input provided by the County and other local jurisdictions indicated that goals and policies were, at times, too specific, and some of the

implementation measures were too general and therefore not enforceable. This creates uncertainty from staff as to which document to reference if what is actually a goal and policy resides in the implementation measures and vice versa.

- Subdivisions – The County would ask that TRPA place the Two-Step Subdivision process requirement on the “To-Do List” to be further refined and improved upon.
- Height – The County would request that TRPA modify the methodology for measuring height. Understanding this may not be feasible prior to the Regional Plan adoption due to the need to be evaluated in the EIS, the County would ask that this be made a priority on the “To-Do List”. The County does feel that the use of stories as a unit of measurement can and should be addressed with the current review. County staff does not support the use of stories as a method for measurement. It is the position of staff that height should be measured in an understandable method by staff, professionals, and the layperson and be measured in terms of feet.
- Biomass – The RPU suggested that no biomass projects will be accepted without first having the environmental analysis completed, where this review would typically be done subsequent to the application submittal. This will result in a review and debate on the merits of the practice of biomass facilities prior to even being able to submit for a project. While there may not be any need for this in the near future, it seems unnecessary to add another requirement that already exists. Any project will already need to evaluate the environmental impacts of that project. This can result in lengthier review timeframes for a project. When a project such as a biomass facility is to be funded with grant money or similar funding strategies any delay could result in the project not being feasible simply from a timing standpoint.
- Community Design – This section includes many of the very same provisions that can be found in the zoning codes or future Area Plans for the local jurisdictions resulting in another example of duplicative review. Constraining provisions such as setbacks, height, signage, lighting, landscaping, view sheds, and similar items are incorporated into the existing and proposed TRPA Code of Ordinances that do not allow flexibility when there is specific mention to the numbers of stories, or specific requirements for signage. Instead, County staff would prefer the Regional Plan provide guidance to what to include or avoid when creating the Area Plans and allow each Area Plan the flexibility to be creative in addressing the concerns identified in the Regional Plan.
- Water Quality – This section is another example of duplicative review that is also regulated by state or local agencies. In many instances, the requirements may be the same. At a minimum, it results in a lengthier review process and/or conflicting requirements and direction. The discussion on this topic was particularly important as it relates to the TMDL unfunded mandate.
- Wildlife – The Regional Plan Update Committee was adamant about “encouraging local governments to develop and enforce an urban bear strategy”. The County and other local jurisdictions commented that this is not a “regional planning” matter. All jurisdictions reported that their respective municipalities already have policies in place to address the conflict between bears and refuse collection. The County would ask that this unnecessary requirement be removed from the document.
- Soils –The County appreciates that your agency has agreed to evaluate the flaws in the mathematical equation as part of the County’s plea to lower the Individual Parcel Evaluation System (IPES) line. The Code of Ordinances has a mathematical equation to determine the IPES score for a jurisdiction, which includes the number of vacant and retired parcels. Placer County has suffered

from the parcels in Kings Beach that contain multiple lots that became consolidated prior to being retired. This has negatively impacted the County's scoring, resulting in Placer County being the only jurisdiction with a required IPES score above 1 in order to deem a parcel developable. TRPA currently requires that parcels within Placer County achieve a minimum IPES score of 726 in order to develop that parcel. Once addressed, this will hopefully eliminate Placer County being the only jurisdiction within the authority of TRPA that would contain parcels that cannot be developed by lowering the County's required buildable IPES score to a minimum of 1, matching that of all other jurisdictions. This is one of the items that the County requests to be a top priority on the future "To-Do List".

- Transit Level of Service – The Levels of Service included in the Regional Plan are already unattainable levels in that many roadways are functioning below the levels listed within the Regional Plan. The County's concern is that environmental analysis of future projects will always identify issues with traffic based on this document. This could result in future projects automatically having significant and unavoidable impacts identified in the traffic analysis.
- Placer County learned from its Tahoe Basin Community Plan Update workshop that a desire exists amongst residents to focus on increasing the percentage of primary residents in the basin. As stated at the workshop, existing residents believe having an increased number of primary residents in the Basin is the key to creating a sustainable, diverse, and vibrant community. Policy LU-1-1 suggests that TRPA is not focused on livability for full-time residents as much as TRPA needs to be.
- A mixed use and/or light industrial category needs to be added to Policy LU -2.1 (Additional Development Permitted in the Region).
- It is unclear how Policy LU-2.4 and LU-2.5 (Nonconforming Uses and Structures) will assist Placer County and Truckee River landowner's whose properties are currently categorized as being non-conforming make improvements/upgrades to said properties? These policies should note consideration of Regional Plan Amendments brought forward by way of local plans found in conformance and as a way to recognize existing land uses. As was mentioned at the RPU Committee meetings, history has shown that simply identifying nonconforming uses and disallowing changes does not result in the removal of the non-conforming structure. In fact, it can be argued that not allowing improvements almost guarantees those buildings and uses will not be removed and simply deteriorate over time and become health and safety hazards.
- Policy LU-3.4, which speaks to existing development patterns in residential neighborhoods outside Town Centers, seems restrictive in nature, and may limit local plans from bringing forward zoning districts that allow for a mix of uses related to residential services within residential neighborhoods. For example, residents in many neighborhoods in the North Tahoe Basin area have indicated a desire to allow for a reasonable mix of uses in their neighborhoods, including neighborhood markets or restaurants, coffee shops on some designated areas, where the primary district is residential in nature, however the integration of residential service uses provides for a more vibrant neighborhood.

### **Conclusion**

Knowing the commitment that TRPA has made to assuring the success of the Regional Plan Update, the County comments above reflect the County's commitment to assisting TRPA in preparing a Regional Plan that is complete, accurate and, most importantly, implementable.

Placer County remains committed in achieving the overall goal of protecting Lake Tahoe and its surrounding environment while sustaining the vitality and well-being of the various Placer County communities and citizens who reside nearby. The County looks forward to having a meaningful discussion with TRPA and its staff to more fully integrate the previous County comments, as well as the comments included in this letter.

Should you have any questions regarding the information in this letter, please do not hesitate to call me at (530) 745-3197. I look forward to working together with you and your team on the successful completion and adoption of the Regional Plan Update.

Sincerely,

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MICHAEL J. JOHNSON, AICP  
Agency Director

ATTACHMENTS

Attachment 1: June 19, 2012 Staff Report to Placer County Board of Supervisors

cc: Holly Heinzen, Interim County Executive Officer  
Jennifer Merchant, Tahoe County Executive Office  
Karin Schwab, County Counsel's Office  
Loren Clark, Assistant Planning Director  
Paul Thompson, Deputy Planning Director  
Rick Eiri, Engineering and Surveying Department  
Dan Dottai, Engineering and Surveying Department  
Steve Buelna, Supervising Planner  
Crystal Jacobsen, Supervising Planner  
Ken Grehm, Department of Public Works Director  
Peter Kraatz, Deputy Public Works Director  
Nick Trifiro, Associate Planner



**COUNTY OF PLACER**  
Community Development/Resource Agency

**ENGINEERING  
& SURVEYING**

Michael J. Johnson, AICP  
Agency Director

**MEMORANDUM**

DATE: MAY 22, 2012  
TO: STEVE BUELNA, PLANNING SERVICES DIVISION  
FROM: REBECCA TABER, ENGINEERING AND SURVEYING DEPARTMENT  
SUBJECT: **TRPA DRAFT REGIONAL PLAN UPDATE AND RELATED DOCUMENTS**

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The Engineering and Surveying Department (ESD) and the Department of Public Works (DPW) has reviewed the TRPA public review draft Regional Plan Update and related documents. The ESD and DPW would like to provide the following comments:

**TRPA – GOALS AND POLICIES**

1. The TRPA does not have the authority to divide land in California; that power resides with the County. On page II-3, under policy LU-2.2, the ESD recommends the title be changed as follows (using strikethrough for deleted text and underlining to indicate inserted text):

**LU-2.2 NO NEW PERMITS FOR PROPERTY RESULTING FROM DIVISIONS OF LAND SHALL BE PERMITTED ISSUED WITHIN THE REGION WHICH WOULD CREATE NEW DEVELOPMENT POTENTIAL INCONSISTENT WITH THE GOALS AND POLICIES OF THIS PLAN.**

In addition, we recommend the following change to item G. as follows:

G. Division of land through condominiums, community apartments, or stock cooperatives within an existing urban area in conjunction with the approval of a project associated with an approved transfer of development, or otherwise in accordance with the provisions of this plan. In order to subdivide ~~a project~~ property under this provision, the project itself shall be approved prior to the approval of the subdivision and in no case shall the subdivision result in a greater amount, a different location, or a greater rate of development than otherwise permitted by this plan.

2. On page II-26, under policy NH-1.2, the ESD recommends the text revisions as follows (using strikethrough for deleted text and underlining to indicate inserted text):

**NH-1.2 PROHIBIT ADDITIONAL DEVELOPMENT, GRADING, AND FILLING OF LANDS WITHIN THE 100-YEAR FLOOD PLAIN AND IN THE AREA OF WAVE RUN-UP EXCEPT FOR PUBLIC RECREATION FACILITIES, PUBLIC SERVICE FACILITIES, NECESSARY ROAD/TRAIL CROSSINGS, RESTORATION FACILITIES, AND AS OTHERWISE NECESSARY TO IMPLEMENT THE GOALS AND POLICIES OF THE PLAN. REQUIRE ALL FACILITIES LOCATED IN THE 100-YEAR FLOOD PLAIN AND AREA OF WAVE RUN-UP TO BE PROPERLY CONSTRUCTED, FLOODPROOFED, AND MAINTAINED TO MINIMIZE IMPACTS ON THE 100-YEAR FLOOD PLAIN.**

3. On page III-6, under policy T-11.2, the ESD requests that "CCR Title 24" be inserted as well as "ADA" in this sentence.

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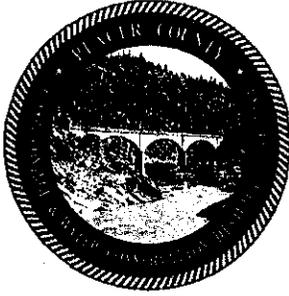
### TRPA – CODE OF ORDINANCES

1. The ESD strongly recommends that the provision in 34.3.4. for the length of driveway from the garage door opening remain in the document and not be deleted from the previous item A. The length of a single family residential driveway should be no less than 20 feet, in order to allow a vehicle to safely park in the driveway without obstructing the public right-of-way for motorists or snow removal equipment.
2. Under 35.4.1.D., the County requires the 100-year floodplain be determined by a “registered Civil Engineer,” and we recommend this change be made to replace the term “competent professional.”
3. Under 60.4.6.D., the County requires drainage conveyances to be sized and designed by a “registered Civil Engineer,” and we recommend this change be made to replace the term “qualified professional.”
4. Under 65.3.2.A., is the Bicycle/Pedestrian easement is to be dedicated to a public entity? Please clarify. Who is responsible for maintenance within the easement? Similarly, in 65.3.4., clarify who “the easement dedication” is to and what type of easement this is.
5. Under Definitions, the following definition of One Hundred-Year Floodplain is provided, “The area that would be inundated by a flood having an average frequency of occurrence in the order of once in 100 years, although the flood may occur in any year.” Federal and state definition of the one hundred year flood is a flood which has a one percent chance of being equaled or exceeded in any given year. The one hundred-year floodplain would be the land area susceptible to being inundated by water from any source associated with that event. We recommend the definition be clarified.

### TRPA – REGIONAL PLAN UPDATE DRAFT EIS

1. Mitigation Measure 3.3-1, which applies to all of the RTP Alternatives, states that “TRPA will prioritize, and cause to be implemented, if feasible, enhanced non-motorized and public transportation projects and services to accommodate the additional travel demand.” We believe the phrase “if feasible” in this mitigation measure includes having adequate funding to expand non-motorized and public transportation projects and services. Currently, Placer County DPW allocates all available resources to public transportation projects and services within the Tahoe Basin of Placer County.

cc: Richard Moorehead, DPW Transportation



PLACER COUNTY  
FLOOD CONTROL AND WATER CONSERVATION DISTRICT

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Ken Grehm, Executive Director  
Brian Keating, District Engineer  
Andrew Darrow, Development Coordinator

May 22, 2012

Steve Buelna  
Placer County  
Community Development Resource Agency  
565 West Lake Boulevard  
Tahoe City, CA 96145

**RE: TRPA Regional Plan Update / Public Review Draft**

Steve:

I have the following comments regarding the Draft TRPA Regional Plan Update.

1. Per draft Policy NH-1.2, certain public facilities will be allowed to be constructed within the 100-year floodplain limits. These facilities have the potential to alter 100-year floodplain limits both upstream and downstream of the project site. The District requests that this policy require that an appropriate hydraulic analysis, that determines the project's impacts on 100-year floodplain limits, be required prior to construction of these facilities.
2. FEMA prohibits fill, new construction, substantial improvement or other development within streams that have a regulatory floodway unless it can be shown through a hydraulic analysis that no increase in flood levels would occur. The Placer County Flood Damage Prevention Ordinance has a similar requirement.

Please call me at (530) 745-7541 if you have any questions regarding these comments.

A handwritten signature in black ink, appearing to read "Andrew Darrow".

Andrew Darrow, P.E.  
Development Coordinator

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**COUNTY OF PLACER**  
Community Development/Resource Agency

Michael J. Johnson, AICP  
Agency Director

**PLANNING  
SERVICES DIVISION**

Paul Thompson, Deputy Director

**MEMORANDUM**

**TO:** Steve Buelna, CDRA

**FROM:** Crystal Jacobsen, Planning Services Division

**DATE:** May 22, 2012

**RE:** TRPA of Draft RPU Policy Document Comments

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Based upon the Planning Services Division current efforts on its Tahoe Basin Community Plan Update work program, staff has reviewed the TRPA Draft RPU policy document as it relates to the County's Community Plan Update or "Area Plan" as described in the Draft RPU. Accordingly, please consider the following comments:

1. **Policy LU-1.1** – What came out in Placer County's TBCPU workshop was a desire amongst residents to focus on increasing the percentage of primary residents in the basin. They believed it is the key to creating a sustainable, diverse, and vibrant community. LU-1-1 suggests that TRPA is not focused on livability, for full-time residents as much as they need to be.
2. **Policy LU -2.1** – A mixed use and/or light industrial category needs to be added to this policy.
3. **Policy LU-2.4 & LU-2.5** – How will these policies assist Placer County and Truckee River landowner's whose properties are currently categorized as being non-conforming make improvements/upgrades to said properties? These policies should note consideration of Regional Plan Amendments brought forward by way of local plans found in conformance and as a way to recognize existing land uses.
4. **Policy LU-3.4** – This policy seems restrictive in nature, and may limit local plans from bringing forward zoning districts that allow for a mix of uses related to residential services within residential neighborhoods. For example, residents in many neighborhoods in the North Tahoe Basin area have indicated a desire to allow for reasonable mix of uses in their neighborhoods, including neighborhood markets or restaurants, coffee shops on some designated areas, where the primary district is residential in nature, however the integration of residential service uses provides for a more vibrant neighborhood.

5. **Policy CD-2.1 (B.1. & B.6.)** – When addressing height standards, the County requests that height be regulated by feet only, rather than by the number of stories. Measuring by feet allows for a higher level of flexibility in building design.



**COUNTY OF PLACER  
FACILITY SERVICES DEPARTMENT**

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**TO:** Steve Buelna, CDRA  
**FROM:** Andy Fischer, Parks Division  
Nick Trifiro, Property Management Division  
**DATE:** May 22, 2012  
**RE:** TRPA of Draft RPU Policy Document Comments

The Department of Facility Services (Parks and Property Management Divisions) has reviewed TRPA's recent submittal of their Regional Plan update and has the following comments:

*Comments from the Property Management Division:*

1. The TRPA Regional Plan update uses the PAS and boundaries found in the current 1987 TRPA Plan. Does TRPA intend to make any modifications to the PAS for the update? If so, our Department would like to review such changes.
2. The new "Mixed-Use" designation has replaced the current Commercial and Public Service designation. The Town Centers District, Regional Center District, and High Density Tourist District are also new land use designations. However, Attachment 6 (Land Use and Management Designations for Planning Areas) does not indicate these new designations for any of the PAS.
3. Although TRPA has decided not to apply any land use changes (including the use of the Transect concept) with this version of the TRPA Regional Plan in order to meet their adoption deadline, our Department would like to be kept informed of any mid-cycle update that may include such changes.

*Comments from the Parks Division:*

**TRPA Regional Plan Goals & Policies – CHAPTER V – Recreation Element**

What is the purpose of changing the term "Lake Tahoe Basin" to "Lake Tahoe Region"? Does the change imply a jurisdictional expansion outside the Tahoe Basin?

Introductory Paragraph – The use of beaches and swimming should be included in the list of developed recreational facilities

GOAL R-1 – Include biking and picnicking in the list of dispersed recreation activities

GOAL R-1 – Define the term "some hardening" in the goal statement. Assuming this has something to do with the creation of durable hard surfacing in heavily used areas, a policy would be appropriate to define where hard surfacing is appropriate and whether it would be subject to rules governing impervious areas if it is implemented to address existing deterioration from current or planned use.

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Policy R-1.3 – This policy recommends expansion of hiking and horseback riding trail systems in order to meet future demand. Bike trails are not mentioned in this policy. However, the Activity Participation Survey record (Table 11.2 Threshold Evaluation) shows an increased demand for biking and hiking with little change in horseback riding. Given this trend, Bicycling should either replace horseback riding or be added to the list of Trail System demands.

Policy R3.3 – This policy introduces the term “PAOT” to the recreation element. Since this is the first reference in the Recreation Element, a definition or reference to the definition should be included here for those who will use the recreation element as a standalone reference.

Policy R4.2 – This policy encourages trail connectivity within urban areas. This should be expanded to also encourage trail system connectivity between urban residential areas and non-urban employment centers such as ski resorts. This policy should also encourage cooperation with other jurisdictions to facilitate bike trail connectivity to employment and residential centers outside the Tahoe Basin. An example of this type of bike trail system to be encouraged is the planned Class 1 loop trail that would connect Tahoe City, Kings Beach, Northstar, Truckee, and Squaw Valley.

Policy R-5.1 – This policy seems too vague to be of objective value in implementation. For example, how would this policy be used to evaluate a proposal to construct a baseball field?

Policy R-5.2 – This policy advocates the creation of regulations to identify and regulate recreational use in specific locations. Are these locations known? Would they be consistent with existing plan area or zoning boundaries? Is there a timeframe for adoption of these recreational use regulations?

Goal R-7 – This goal introduces the concept of resident needs as opposed to tourist needs. However, the concept needs further definition. Are resident needs synonymous with urban facilities, or is there a difference? While appreciating the Policy directive (R-7.1) for demand and forms to be addressed by local jurisdictions, some further definition of the concept of local resident needs should be provided for guidance.

### **TRPA Regional Plan Goals & Policies – CHAPTER III – Transportation Element**

1. Policy T-2.3 – Policy advocates prioritization of bike trail projects in urban areas and for trails that can be constructed concurrently with other projects. Equally valid priorities should include:
  - a. Bike trail projects with dedicated funding
  - b. Bike trail projects that provide connectivity between residential centers and employment centers.
2. Policy T-2.X – Add policy statement encouraging the ownership and maintenance of public trails be consolidated to the local agency providing recreation facility management within the jurisdiction.

### **TRPA Regional Plan EIR/EIS– Chapter 3.11**

1. Section 3.11.1 – The introduction states “no changes of the Recreation Element of the Goals and Policies are proposed as part of this Regional Plan Update.” However, the Goals and policies listed under Section 3.11.2 “Regulatory Background” do not match the Goals and Policies of Chapter V, Recreation Element, of the draft TRPA Regional Plan Goals & Policies. Please rectify and/or explain. Placer County requests an opportunity to review the Goals & Policies again once they are resolved.

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2. Regulatory Background – Local – Add Placer County to the list of agencies administering parks and beaches.
3. Exhibit 3.11-1 “Parks and Protected Natural Resource Areas” Map
4. Change the name of Bucks Beach to “Speedboat Beach (aka Bucks Beach)”
5. Change the name of Steamers Beach to “Secline Beach (aka Steamers Beach)”. Delete Secline Beach in its present location.
6. Change the name of North Tahoe Beach Center to “North Tahoe Event Center”
7. Add “Griff Creek Recreation Area” (contact Andy Fisher, [afisher@placer.ca.gov](mailto:afisher@placer.ca.gov) for location of additions)
8. Add “Heritage Plaza” (adjacent to Commons Beach)

#### **TRPA Code of Ordinances**

1. Section 85.7 Vegetation – Add language allowing public agencies to maintain vegetation in the backshore for the purpose of public safety, public access, and vegetative health in publicly maintained beach areas.

#### **General Comments**

1. Lists of sample recreation features for disbursed, developed, and urban recreational facilities vary within the various documents and sections. A list of features for each category should be produced and used uniformly.

The Department of Facility Services would also like to have an opportunity to review the Community Plans in Tahoe as they are being updated to become consistent with the new TRPA Regional Plan.

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# **Placer County Museums Division**

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## **MEMORANDUM**

TO: Steve Buelna  
FROM: Ralph Gibson, Program Manager  
SUBJECT: TRPA Regional Plan - Cultural Resources Review  
DATE: May 22, 2012

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I reviewed the Tahoe Regional Planning Agency plan for preserving cultural resources. I have three questions that pertain to section C-1.1 (Policies).

1. The plan indicates that TRPA will confer with local, state and federal authorities to maintain a list of significant architectural and archaeological sites. Who at TRPA will maintain this list?
2. Where exactly will the list be kept?
3. Would it be possible to get a copy of this list?

Access to as many resources as possible regarding historic/prehistoric sites or buildings will help streamline the County cultural resource review process that we currently perform.

The plan itself follows accepted preservation guidelines and practices as outlined by the Secretary of Interior's Standards. I concur with the overall document.

