



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

**PLANNING  
SERVICES DIVISION**

Michael J. Johnson, AICP  
Agency Director

Paul Thompson, Deputy Director

**MEMORANDUM**

**TO:** Honorable Board of Supervisors  
**FROM:** Michael J. Johnson, Agency Director  
**DATE:** April 24, 2012  
**SUBJECT:** Update - Tahoe Regional Planning Agency Draft Regional Plan

**ACTION REQUESTED**

Community Development/Resource Agency and County Executive Office staff are providing the Board with an update on the status of the Tahoe Regional Planning Agency (TRPA) Regional Plan Update. No action is requested at time.

**BACKGROUND**

Staff has been actively following TRPA's progress on the TRPA Regional Plan update and has been providing feedback as part of 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. Because of TRPA's State-imposed deadline to adopt the Regional Plan by December 2012, a "To-Do List" was developed to identify and track items that the Regional Plan Update Committee determined would not be feasible or necessary to complete prior to the deadline. Those items will be evaluated after the adoption of the TRPA Regional Plan Update and as part of future updates to the TRPA Regional Plan.

Issues that will be addressed in this Regional Plan Update are 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.

At its April 25 and 26, 2012 Governing Board meeting, TRPA will be conducting a public hearing in order to inform the public of the release of the Draft TRPA Regional Plan for review. It is anticipated that a decision will be made at the conclusion of the meeting as to whether a 60-, 75-, or 90-day review of the Draft Plan is an appropriate review period. Once released, County staff will review the Draft Plan and return to your Board for direction on any issues identified.

**CURRENT 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

discipline. Staff has participated at all of the meetings of the committees and subcommittees that have been developed to shape this update of the TRPA Regional Plan.

Because County staff is providing this status update in advance of the release of the Draft TRPA Regional Plan, the following is a summary of broader concepts or comments to issues that staff has preliminarily identified during its review of various draft documents over the past several months. Further details will be provided when staff returns to your Board after TRPA's release of the Draft Regional Plan and staff's review of that Draft 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 topic 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. 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), and an urban bear strategy.
- The Allocation system is a distribution of 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:
  1. There is concern as to how the residential units will be distributed and whether there are sufficient quantities to provide the needed housing in the region.
  2. The Commercial Floor Area to be released is not adequate to cover the 20-year time period that this Regional Plan will cover (equates to 10,000 square feet per year to be distributed amongst all jurisdictions).
  3. 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 analysis provided by the 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 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.
- Area Plan Conformance, including a complete definition and a description 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.

- 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 this was not addressed in the Environmental Impact Study (EIS) prepared for the Regional Plan update.
- 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.
- Biomass – No biomass projects will be accepted without first having the environmental analysis completed.
- Community Design – This section includes many of the very same provision 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 are incorporated into the existing and proposed TRPA Code of Ordinances that do not allow flexibility.
- Natural Hazards – The Regional Plan Update Committee focused on the prohibition of construction in floodplains, which was reduced in scope to be wave run-up areas.
- Water Quality – Is another example of duplicative review that is often 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 related 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. This is one of the items that has 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. The County's concern is that environmental analysis of future projects will always identify issues with traffic.

**FISCAL IMPACT**

None.

**NEXT STEPS**

Once the TRPA releases the Draft Plan, County staff will review the document and return to your Board with a thorough analysis highlighting the areas of concern. Below are the anticipated TRPA hearing dates and schedule published by TRPA for the Regional Plan. It is important to note that the Governing Board decision on April 26, 2012 will be limited to establishing the timeframe for public comment. County staff will be certain to return to your Board prior to the Governing Board hearing where comments on the Draft Regional Plan will be provided.

- April 25, 2012 at 9 a.m. TRPA Governing Board meeting, The Chateau, 955 Fairway Boulevard, Incline Village, NV. April 26, 2012 at 9:30 a.m. TRPA Governing Board meeting, TRPA Office Board Rooms, 128 Market Street, Stateline, NV. Draft amendments to the Regional Plan and Regional Transportation Plan will be released for public review and Governing Board decision will be made on public comment timeframe.
- May 21, 2012 – 5 p.m. to 8 p.m. Public Workshops on the Regional Transportation Plan and Regional Plan, The Chateau, 955 Fairway Boulevard, Incline Village, NV.
- May 22, 2012 – 5 p.m. to 8 p.m. Public Workshops on the Regional Transportation Plan and Regional Plan, TRPA Office Board Rooms, 128 Market Street, Stateline, NV.
- May 23, 2012 – 9:30 a.m. TRPA Governing Board meeting public hearings, North Tahoe Events Center, 8318 North Lake Boulevard, Kings Beach, CA.
- May 24, 2012 – 9:30 a.m. TRPA Governing Board meeting public hearings, TRPA Office Board Rooms, 128 Market Street, Stateline, NV.

**CONCLUSION**

No action is necessary as this status update is intended to generate discussion and input from the Board regarding the TRPA Regional Plan update. Staff will return to your Board after its review of the Draft Regional Plan and will present the Board with a summary of the issues identified as well as a draft letter to be considered for submittal to TRPA during the comment period for the Draft Regional Plan.

cc: Holly Heinzen, Interim County Executive Officer  
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