

TAHOE REGIONAL PLANNING AGENCY

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EIP Letter Reference No. 2008-029

July 9, 2008

Ken Grehm
Placer County Department of Public Works
3091 County Center Drive, Ste. 220
Auburn, CA 95603

RE: Kings Beach Commercial Core Improvement Project (Hybrid Alternative), TRPA Project Number 530-105-03, TRPA File Number 20031259

Dear Mr. Grehm:

Placer County staff has asked for clarification of the actions taken on the Kings Beach Commercial Core Improvement Project at TRPA's June 2008 Governing Board meeting. Some of the questions are apparently due to the unique and sometimes confusing voting requirements that apply to TRPA's decision-making, which differ from voting rules typical in other jurisdictions like Placer County.

As you are aware, the staff-recommended Project referenced above did not receive enough votes for approval by the TRPA Governing Board at the June 25, 2008 hearing. At that meeting, three proposed actions related to the Kings Beach Project were on the Governing Board's meeting agenda:

1. **Certification of the Final EA/EIR/EIS for the Kings Beach Commercial Core Improvement Project** – The Governing Board unanimously approved certification of the environmental document.
2. **Proposed approval of the Kings Beach Commercial Core Improvement Project (Hybrid Alternative)** – The hearing on the Kings Beach items lasted over eight hours. By the time the Governing Board was ready to vote, they first took a straw poll on approval of a 4-lane alternative for the project. If this had been a binding vote, the motion would have failed as only three California and seven total Board members voted in favor of a 4-lane alternative (approval would have required five affirmative California votes, with nine total affirmative votes). The Board then voted on a motion to approve the 3-lane Hybrid Project. This motion too failed (four California and six total Board members voted to approve the Hybrid Alternative). The Board then voted on an administrative motion to advise Placer County to look at bringing back to the Governing Board a 4-lane project consistent with the analysis in the EIS. This motion, which required a simple majority (any eight affirmative votes from the Board) passed. As with the straw poll on the 4-lane alternative, this administrative vote gave no clear indication of the existence of the required super-majority support for a 4-lane project: it received only four affirmative votes from the California members rather than the five California votes required to approve a 4-lane project, if presented.

Attachment 1

Kings Beach Commercial Core Improvement Project
7/9/08

Page 2 of 2

3. **Amendments to the Kings Beach Community Plan** – Because the motion to approve the proposed Hybrid Project failed, the Board did not take action on the amendment of the Kings Beach Community Plan, which would have made the Community Plan consistent with the 3-lane Hybrid Alternative.

Under Article V of the TRPA Rules of Procedure (Section 5.23 specifically), in general after action to deny a project, TRPA cannot accept a reapplication for the same, or substantially the same, project for 12 months. Reapplication can be accepted within 12 months if the project has been modified to address the reason for the denial or if the project is substantially changed.

Nevertheless, in accordance with TRPA's Rules of Procedure, TRPA has received a request for reconsideration of the Governing Board's denial of the Hybrid Alternative from Board member Steven Merrill. In response to the request, the Board must decide whether or not to allow reconsideration of the 3-lane Hybrid Project, and TRPA staff will include Mr. Merrill's request as an agenda item on the July 23, 2008, Governing Board meeting. For the project to be brought back to the Governing Board, five California members and a total of nine Board members would have to approve the motion for reconsideration at the July 2008 Board meeting. The Hybrid Project then could be brought back for decision at a later date. In addition, the reconsideration of the 3-lane Hybrid Project alternative would not require, but also would not preclude, a 4-lane project from being developed to bring forward simultaneously for the TRPA Board's consideration.

Please feel free to contact me if you have any further questions.

Sincerely,



Joanne S. Marchetta
General Counsel

Cc: Project File
John Singlaub, TRPA Executive Director
Mara Bresnick, TRPA Governing Board Chair