



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
CD/RA Director

DATE: October 24, 2011

SUBJECT: **Placer County Comments on the Tahoe Regional Planning Agency's Reorganized and Reformatted Code of Ordinances – Revised Stakeholder Review Draft**

ACTION REQUESTED

Direct staff to submit comments to the Tahoe Regional Planning Agency reflecting Placer County's position on TRPA's proposed Reorganized and Reformatted Code of Ordinances and direct staff to continue to work with TRPA staff to address minor technical matters pertaining to the TRPA Code of Ordinances.

BACKGROUND

The Tahoe Regional Planning Agency (TRPA) continues its efforts of updating its Regional Plan (RPU) and revising existing Environmental Threshold Carrying Capacities (thresholds). A component of this effort has been to update TRPA's current Code of Ordinances. TRPA has determined the appropriate method for undertaking this effort is through a phased approach. The first phase that is currently underway included a reformatting of the current Code with the goal of producing a more efficient and predictable document. To accomplish this goal, the changes included reducing redundancies, combining definitions in a single section, eliminating obsolete information, and formatting the Code with indexes and headings. Because these changes were not of consequence to the County, direction on the comments to TRPA were not brought before your Board.

The Phase 2 changes that are proposed are more substantive in nature. TRPA had anticipated that this would be the area where stakeholders would have more comments and potentially opposition or differences of opinion to the proposed changes. TRPA initiated the two-phase process so that the "quick fixes" to the Code included in Phase 1 could be made and not be delayed by the more substantive changes that appear in Phase 2.

PHASE 2 CODE CHANGES

Similar to other review of information pertaining to the Regional Plan Update, Placer County staff took a team approach in reviewing the Revised Stakeholder Review Draft. Input was provided from Public Works, Planning, Engineering, and the Redevelopment Agency with respect to how the proposed Code changes relate to each discipline.

Placer County and TRPA staffs are currently engaged in developing a comprehensive list of potential areas where delegation of authorities to other governmental entities could be improved, especially

those that may be better served by a local government (rather than a regional planning entity). Examples might include public improvement projects (ranging from Environmental Improvement Projects to public roadway projects), driveway permits, non-scenic project review, grading permits, and historic review. Any delegation changes would also include a financial analysis and cost recovery to reimburse County costs.

Staff has also identified other instances related to TRPA projects that could benefit from changes to the current Code of Ordinances. Below are a few examples of some of the issues identified.

- The two-step subdivision process that first approves a multi-family project, then allows the processing of a lot split to create townhomes or subdivision, is unnecessary. County staff believes there should be a permitting process in place that allows for this type of development from the beginning. The current process results in additional fees, extended timeline project completion, unanticipated frontage improvements, and frontage improvements and design grades that are sometimes less desirable because they weren't accounted for from the start of the design phase.
- As part of the updates of the Memorandum of Understandings, attention should be given to working toward clearly defined roles for TRPA and the local jurisdictions. As the County has seen at recent Governing Board meetings, it can be confusing as to who should review projects and/or where the applicant should begin their review. Ideally, the redundancies of review would be reduced, if not eliminated, and the roles of the government agencies would be clearly defined. This issue should be addressed with this update of the Code.
- County staff recommends language be added to the Code that assigns responsibility to delegating authorities where efficiency can be maximized. Examples include assigning the Total Maximum Daily Load (TMDL) to Lahontan and certain project review types (for instance projects not requiring an Environmental Impact Statement) to local governments.
- While many agencies include a Variance process to address unique and/or unusual circumstances, TRPA's current Code of Ordinances does not include or allow for Variances. TRPA's Code of Ordinances could be strengthened by building a Variance process into its Code.
- With the broad range of areas covered by the various chapters within the Code of Ordinances, the possibility exists for contradictions to occur across chapters. County staff recommends a provision be built into the Code to address such conflicts or contradictions when they do occur, such as an order for resolution of conflicts and a Variance process. Staff suggests flexibility within the Code to allow for unknown circumstances that may arise within the next 20 years of its Regional Plan.
- Staff suggests that certain portions of the Code be modified to allow for and encourage economically viable redevelopment projects. For instance, flexibility should be provided with respect to height and density to allow for compact development within the Lake Tahoe Basin, which is necessary to make certain redevelopment projects economically viable. The Redevelopment Agency staff will be preparing a follow up letter to TRPA identifying specific instances and providing recommendations on how to achieve this goal.
- A number of technical changes have been identified by County staff that could eliminate confusion within the Code, make the Code easier to understand by staff and members of the public, and provide consistency between the Code and the regulations of the local jurisdictions.

Staff would ask that the Board provide direction to staff to continue to work with our partners at TRPA to address such items.

REQUESTED ACTION

Direct staff to submit comments reflecting Placer County's position on the proposed Phase 2 of the Reorganized and Reformatted TRPA Code of Ordinances. Staff is also seeking Board direction to continue to work with the staff at TRPA to find solutions to common issues related to the Code of Ordinances.

FISCAL IMPACT

None

ATTACHMENTS:

Attachment 1: Redevelopment Agency Comments



**PLACER COUNTY
REDEVELOPMENT AGENCY
MEMORANDUM**

TO: Steve Buelna

FROM: James LoBue, Deputy Director - Redevelopment
Rae James, Special Projects

DATE: August 29, 2011

SUBJECT: COMMENTS: TRPA – Code of Ordinances Update Phase 1:
Reorganization and Reformatting

These documents do not appear to reference, or acknowledge in any way the proposed Transect and Character Area system by TRPA. In that regard, these comments tend to reflect the issue as stand alone.

Please see the following, and feel free to contact Rae James, if you have any questions.

RULES OF PROCEDURE

Article 5: Project Review

5.2.5. Add language: “When applicable...”

At times governmental agencies may submit a “project” which is a program and not a physical location. (i.e. Parking In-Lieu).

5.3; 5.5; 5.7 State determinate times

A major concern of developers and the Redevelopment Agency is that project review is an uncertain process. If an application is deemed incomplete how soon will TRPA staff notify the applicant (after the 30 days)? Upon submittal of requested information how soon will TRPA staff notify the applicant that the application is/or is not complete?

When processing applications, TRPA has 180 days *consistent with available resources* to complete its review. Also it must report to the Board all pending applications more than 120 days. This is very open-ended and the applicant is no better off. What about allowing the applicant to pay for a mutually agreed upon outside consultant to conduct the review? Of course TRPA fees would have to be adjusted.

Indicate that the notice of an incomplete application will be given during the 30-day review period.

Article 6: Environmental Impact Statements

6.4; 6.5 State how soon (within the 30-day review period?) after the IEC is received that the applicant will be notified that an EIS is required.

CODE OF ORDINANCES

- 2.2.3 Special Provisions
 - A. Emergency Projects – Please define
- 2.2.4 Expiration of TRPA Approvals
 - Include statement whether “extensions” will be considered
- 2.3.2 Exempt Activities
 - Certain buildings which are developed for re-use by a government entity for purposes of government services. Density, zoning, and coverage are unchanged from original purpose.
- 2.3.6. Temporary Activities
 - Provide language that indicates if all activities listed are required in order to be exempted.
 - 1. This is not reasonable since most areas in North Lake Tahoe, Kings Beach in particular, are unpaved. Or, at minimum provide an exemption for government funded projects.
- 5.3 Inspections
 - Timing is critical to development in the basin. TRPA staff cannot guarantee when they will be able to provide an inspection. Can inspections by state licensed engineers, paid for by the applicant, be accepted by TRPA?
- 11.1 Plan Area Statement and Plan Area Maps
 - What is the connection between Plan Area Statements, Character Areas and Transects??
- 11.6.3 Special designations

This is confusing. Placer County has been repeatedly told that Chapter 15, other than to grandfather South Lake Tahoe's redevelopment areas would be eliminated. It is still present and this section refers to Chapter 13.

11.8.1 Plan Amendments

Does this mean that "transects" may be amended after adoption of the RPU?

12.7.2 Approval of Preliminary Plan and Work Program

When will the "planning team" develop a preliminary plan and work program? Is it a part of the project approval process?

12.7.3 Community Plan Preparation

In light of the work currently underway regarding Character Areas and Transects, is this relevant?

12.9 Guidelines for Mixes of Uses for Community Plan Themes

12.9.1 Should include provisions for condominiums and affordable housing

13.1 Redevelopment Plans

What is this still doing here? If it is to grandfather South Lake Tahoe, then it should be stated clearly. If TRPA plans on continuing implementing this former Chapter 15 code, then it will require major revisions not shown here, especially in light of the new transect system.

13.3.4 Redevelopment Project Area

TRPA should accept the definition provided by the state government of origin, or in its absence evaluate it in light of the Character Areas.

E. What does receipt of "substantial" public assistance have to do with the determination of non-contiguous parcels since more than likely private monies will be required by the public entity.

13.3.6 Irrevocable Commitment

Local government has the fiduciary responsibility to ensure that any project it undertakes can be funded. TRPA does not have jurisdiction over the funds, nor over what a government body chooses to do with its funds, nor the ability to audit a local government's treasury. Once the governing body of a local government approves a project or project expenditure, it should be of sufficient evidence to provide said documentation to TRPA, without TRPA "ensuring that the public entity shall have received sufficient funds...to fully fund the measure."

13.10.1 Land Coverage Limitations

A.B.C. Why are redevelopment projects called out to reduce coverage? Is the issue to maintain the guides set by the transects, then this section is moot??

13.11.2. Preparation of Preliminary Redevelopment Plans

This entire section is objectionable. Only recently did Placer County attempt to follow the code in regards to establishing Preliminary Redevelopment Plans. It was decided not only

by County management but by TRPA management as well that this section needed to be eliminated for lack of relevancy and the entire Chapter 15 (now 13) would be discarded.
(See also 13.11.4)

21.3.7 Permissible Uses

Threshold –Related Research Facilities

If the facility, by its purpose is research related, then there should be no need to specify the types of research, research is research. It would be better to identify, or categorize which research facilities would not be permitted.

21.4. List of Primary Uses

This section needs to address subdivided multi-family units, such as condos. Or, refer the reader to the applicable section.

22.1 Temporary Uses, Structures and Activities

How does this chapter differ from Chapter 2.3.6 above? Should they be combined, or refer to the other?

30.5 Land Coverage Standards

30.5.3 Restoration Credit Requirements

What is the restoration credit? Specify, or re-specify here.

30.6.1 Implementation Programs

Excess Land Coverage Mitigation Program

This section should include a reference or an appendix of the hydrological maps.

31. Density

31.3.2 Table of Maximum Densities

The Redevelopment Agency has continually indicated that the maximum of 15 units per acre for multi-family housing is insufficient to encourage compact development in the basin. A maximum of 20 units per acre is needed, except for those areas limited to 1- 4 units.

31.4.1 Affordable Housing

A. The language here needs to be specific vs. referencing a percentage (up to 25%). It should state the maximum of 20 units as any other residential development (assumes transect guidelines are adopted).

B. Requiring consistency with adjacent or surrounding residential uses is problematic and will ensure objectors to the project will prevail.

It is unclear why affordable housing in Kings Beach is isolated from affordable housing anywhere else in the basin, especially since there is no incentive for providing affordable housing or recognizing the special need for affordable housing.

31.5.2 The density calculation table for mixed use projects needs clarity.

31.5.4 This section requires the recognition of subdivided land (condos) in mixed use projects. Currently this section prohibits the subdivision of land.

37.1 Height

37.3.1 The measurement for height in Placer County is legislated as beginning from the base of the foundation vs. TRPA's point of lowest natural ground elevation. Placer County would like an exception to this section to match its current government code.

37.5.5 Additional building height should be allowed for affordable or employee housing up to a maximum of 50 feet (see 37.3.1).

37.7.15 Any section referencing the North Stateline Community Plan should be rewritten to conform with Placer County's intent to collapse its nine Tahoe general and community plans into one community plan.

39. Subdivisions

39.1.3 The presented limitation of subdivisions would preclude the use of condominiums in mixed use projects.

39.2.3 Moderate Income Housing language is too narrow and assumes that condos couldn't be targeted to all income levels.

Cc: Paul Thompson