

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, AICP
Agency Director

DATE: January 21, 2014

**SUBJECT: INTERIM ORDINANCE PROHIBITING CERTAIN USES WITHIN THE TAHOE CITY,
KINGS BEACH AND NORTH STATELINE COMMUNITY PLAN BOUNDARIES**

ACTION REQUESTED

Conduct a public hearing to consider the adoption of an interim ordinance prohibiting certain uses, including Hospitals, Day Care Centers/Pre-Schools, Churches/Religious Assembly, Schools – business and vocational, Schools – college, Schools – kindergarten through secondary, Animal Husbandry Services, Collection Stations, Single-Family Residences, Service Stations, Auto Repair and Services, and Contract Construction Services within specific Plan Area Statement Special Areas of the Tahoe City Community Plan area, the Kings Beach Community Plan area and the North Stateline Community Plan area as further outlined in this report.

PURPOSE

The purpose of this Interim Ordinance is to allow Placer County time to continue the planning process that has been ongoing over the last two plus years and determine if some uses should be excluded to more appropriately align with the community input, visioning, and investment that has recently taken place. Additional time is needed to explore these uses and potential options to consider.

CDRA staff has received pre-development inquiries regarding specific properties within the future Town Center areas for Kings Beach and Tahoe City. In addition, the County's Economic Development Department has also responded to multiple inquiries related to potential development proposals within the Town Center areas. Development interest is likely a result of many factors including the uptick in the overall economy, the adoption of the TRPA Regional Plan, the County's progress/status on the Tahoe Basin Community Plan Update and the increased certainty that such planning efforts bring.

The inquiries highlighted to staff that there are currently permitted uses within the future Town Center areas that could result in the establishment of land uses that would be inconsistent with the long-term goals, design and economic revitalization principles identified by area residents. Such uses, if established prior to the Board's deliberation and adoption of the planning framework for the Tahoe Basin could potentially nullify the very planning principles the Board and community are seeking to implement in the Basin.

BACKGROUND

On January 7, 2014 County staff provided a report to the Board of Supervisors on an Interim Urgency Ordinance. At that hearing, the Board of Supervisors tabled the item in order to hold a hearing in Tahoe. This report for an Interim Ordinance provides additional information and analysis on the temporary prohibition of certain uses. The January 7, 2014 Board report is contained in Attachment 2 to provide the Board and the public with the background discussion contained therein. The proposed "Interim Ordinance" has been legally noticed for a public hearing.

Past Interim Ordinance Board Actions

It is not unprecedented for jurisdictions to adopt interim ordinances as a way to safeguard the public interest. While undergoing other updates to County Community Plans, the Placer County Board of Supervisors has previously taken actions to adopt interim ordinances to restrict land use to protect the public's welfare and to ensure that the community's vision for development is secured. In 1989, prior to the adoption of the Dry Creek/ West Placer Community Plan, the Board took action to adopt an interim ordinance zoning for the entire plan area with a minimum 80-acre parcel size. Also in 1989, in light of the pending adoption of the Granite Bay Community Plan, the Board of Supervisors took action to adopt an interim ordinance for property located along the south side of Douglas Boulevard. In 1980, the Board took action to adopt an interim ordinance in association with the adoption of the Weimar-Applegate-Clipper Gap General Plan. All past interim ordinances were temporary while land uses were appropriately addressed in the Community Plans.

ANALYSIS

The Tahoe Basin Community Plan update is a high priority for Placer County and the community. The County has committed significant resources towards the completion of the Area Plans. As the Board is aware, the Tahoe Basin Community Plan update is expected to take another year or more to complete. Staff is concerned that if development is allowed to occur in a manner inconsistent with the yet-to-be adopted Community Plan Updates, such development may impact the long-term viability of the Town Centers and associated Community Plans.

Land Use Authority Framework

Staff has concluded that certain land uses within the Town Centers of Tahoe City, Kings Beach, and North Stateline have the potential to impact the public health, safety and welfare of the residents of the North Lake Tahoe Region. Protecting the public health, safety and welfare is a function of a jurisdiction's *police power*, which is the authority to enact laws and take action. In exercising its police power, a jurisdiction has broad discretion in determining what is necessary and reasonable.

In proposing the Interim Ordinance, staff has heard from some community members that the proposed ordinance may infringe upon property rights. Staff understands this concern. However, it is not uncommon for jurisdictions (including Placer County) to take such action during planning periods (General/Community Plan Updates) while land uses are realigned to ensure the long-term economic, social, environmental and overall sustainability of a community through the development of a cohesive planning framework. It is staff's intent to serve the best interest of both the general public and property owners within the Town Centers.

Staff has found that there are uses that are allowed "by right" under today's Code, which may be incompatible with the community's vision. The incompatible uses currently require no public input or discretionary approval. There is currently no ability for County decision-makers to deliberate on the merits of these uses and/or condition such projects to ensure consistency with the pending Tahoe Basin Community Plan update.

If the Board acts to approve the Interim Ordinance for a 45-day period, the Board may direct staff to return during that period with further analysis and other potential approaches prior to the expiration or in conjunction with a proposed extension of the term.

Environmental Redevelopment and Sustainability

Redevelopment of the existing Town Centers is seen as a high priority and a way to remove development off sensitive lands. The County has embarked upon the Community Plan Update to further the goals and objectives of the recently adopted TRPA Regional Plan.

The TRPA Regional Plan points out the historical development pattern in the 1950's in preparation for accommodating the 1960 Winter Olympic Games. As a result, many of communities in the Tahoe region are left with blighted legacy development and need revitalization. To achieve long-term sustainability, jurisdictions try to balance environmental, social, and economic objectives. Economic activity is known to improve social and environmental conditions within communities. In updating the Tahoe Basin Community Plans, the community is focusing on revitalizing the three Town Centers as a way to foster sustainability.

Further, to maintain conformance with TRPA's Regional Plan, local jurisdictions must remove development from sensitive lands in less densely developed areas and intensify development in Town Centers. The backbone of the TRPA Regional Plan is the implementation of mixed-use centers (i.e., Town Centers) that offer lodging accommodations and restaurant, retail, and recreation services, in order to attain TRPA air and water quality thresholds and meet Pedestrian/Transit Oriented Development goals.

Public Investment

Placer County and its partner agencies have set the stage for private investment having spent over \$100 million in capital projects over the last two decades in the subject community. All studies point to tourism as the industry for the greatest potential for return, both in tax dollars that can be reinvested and for the residents, business owners and other local stakeholders who will benefit from a healthy economy.

As part of the Community Plan Update, an Economic Market Analysis was prepared in July 2013 by *Economic & Planning Systems, Inc.*, which underscores that the North Tahoe Basin is a tourism-based economy. The analysis pointed out several trends and potentials:

- *The economy of the Community Plan area is driven by tourism. Although this sector is relatively strong, it could be enhanced by the provision of some key amenities delivered in the context of catalyst projects.*
- *Economic catalyst projects located on the lakeshore are needed to begin providing a critical mass of accommodations and other attractions capable of capturing an improved market share among multiple-day visitors.*
- *The Regional Plan's approach toward community planning has cleared a path toward developing the missing lodging, dining and other uses with access and visibility to the lake—major competitive advantages, which are not fully leveraged.*
- *Strategic public involvement over the next five years, in the form of land or assembly of "Tourist Accommodation Units" (TAUs), infrastructure upgrades, or zoning adjustments, can facilitate long-anticipated private investment conforming to best practices in resort development concepts.*

The analysis also concluded that the most under-represented property class in the North Lake Tahoe area is the hotel sector, and that two or more major destination projects would catalyze the Basin to compete with nearby resorts. While the Town Centers offer existing amenities, improved and new lodging accommodations are needed in order to capitalize on existing. The analysis notes that a mixed-use platform connected to accommodations would help the expansion of retail and office space.

The community's vision (as described during recent public workshops) is for Town Centers that offer mixed-use opportunities that support the community's tourism-based, recreational economy.

Potentially Incompatible Land Uses

The following uses are not typically associated with vibrant commercial Town Centers:

- Hospitals
- Daycare Centers/Pre-Schools
- Churches/Religious Assembly
- Schools – business and vocational, Schools – college, Schools – kindergarten through secondary
- Animal Husbandry Services
- Collection Stations
- Single-Family Residences
- Service Stations
- Auto Repair and Services
- Contract Construction Services

These are uses that would be appropriate within the Area Plan boundaries to support local residents, but not within the limited area of the Town Centers where more intensified development is planned.

Town Centers are intended for higher intensity development that would serve the Region's tourist-based economy and staff does not find the above existing uses to be compatible with higher intensity development and uses. Some of the proposed prohibited uses could create direct incompatibility with the proposed Town Centers. For example, a service station or a collection station along the lake portion of either Kings Beach or Tahoe City does not promote pedestrian-friendly circulation nor does it support the environmental protection principals for the lake. In addition, the State of California authorizes the Alcohol Beverage Control Board to consider proximity to schools and churches when reviewing applications for liquor licenses, thus potentially limiting future establishment of restaurants, hotels, brew-pubs within the limited geographic area of the proposed Town Centers; areas where the studies indicate these uses would best serve the community and economic revitalization.

Summary of Impacts

As outlined above, there are potential negative impacts to the public and the North Lake Tahoe communities that may result without further deliberation over appropriate land use. While the interim ordinance may be construed as impact some property owners, staff is concerned that if the ordinance is not approved, the potential long-term impacts to the broad community would be significant. The update of Community Plans is to plan for the next 20 years. It is important at this juncture in the Tahoe Basin Community Plan update to preserve the status quo in order to give the community and this Board more opportunity to deliberate about the future.

AUTHORIZATION

California Government Code Section 65858(b) authorizes the Board to adopt by a four-fifths vote an interim ordinance as a measure to prohibit "any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time." To support the adoption of such an ordinance, the Board must find there is a "current and immediate threat to the public health, safety, or welfare and that approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for [that] use which is required in order to comply with a zoning ordinance would result in that threat to public health, safety, or welfare." (Govt. Code section 65858(c).)

If adopted by this Board, the interim ordinance would be effective immediately and remain in effect for 45 days. The Board may, after notice and public hearing, extend the interim ordinance for an additional period of 22 months and 15 days. (Govt. Code Section 65858(b).) In addition to the findings outlined

below, if the Board wishes to extend the ordinance the following findings will also need to be articulated:

- The interim ordinance is necessary to mitigate or avoid the specific, adverse impact that has been identified,
- There is no feasible alternative to satisfactorily mitigate or avoid the specific adverse impact that has been identified as well or better with a less burdensome or restrictive effect, than the adoption of the proposed interim ordinance. (Govt. Code Section 65858(c)(1)-(3).)

CEQA COMPLIANCE

Staff has concluded that the proposed interim ordinance is exempt from environmental review pursuant to the provisions of Section 15061(b)(3) of the California Environmental Quality Act Guidelines ("CEQA"). As a result, there is no possibility that the Board's adoption of this interim ordinance may have a significant effect on the environment and exemption under Section 15061(b)(3) is appropriate.

RECOMMENDATION

Staff recommends the Board of Supervisors adopt an interim ordinance temporarily prohibiting those specific uses outlined in the attached proposed ordinance within the Tahoe City, Kings Beach and North Stateline Community Plans, subject to the findings set forth below.

INTERIM ORDINANCE FINDINGS

1. The County is in the process of preparing a comprehensive update to the County's Community/General Plans within the Tahoe Basin.
2. The Community/General Plan updates are critical to the economic, social and environmental revitalization of the Kings Beach, Tahoe City and North Stateline Community Plan areas.
3. While the Tahoe Basin Region experienced high levels of development in the 1950's in preparation for accommodating the 1960 Winter Olympic Games, the North Tahoe region in particular has since stagnated. The dissolution of the redevelopment agency, the downturn of the economy, lack of employment base and lack of a comprehensive planning framework for a sustainable community have left these communities struggling and blighted.
4. The County's Tahoe Basin Community Plan Update, and related planning efforts in the Basin is committed to establishing a planning framework that focuses on the long-term sustainability of the Region and, in particular, the Town Center areas. The County's Community Plan Areas of Tahoe City, Kings Beach, and North Stateline, as depicted on Attachment 2, Exhibit A (Map of Community Plan areas) are designated as "Town Centers" under the Tahoe Regional Planning Agency (TRPA) updated Regional Plan, which are depicted on Attachment 2, Exhibit B (TRPA TOWN CENTER MAP).
5. The County has committed significant capital and staff resources in completing this update as well as infusing capital expenditures into creating a transit oriented, environmentally friendly and economically viable backdrop for new development in the Tahoe Basin.
6. The Tahoe Area community, through workshops, citizen advisory groups, charrettes and stakeholder groups have invested substantial time and effort in identifying planning goals and visions for each of these community plan areas, which visions identify mixed-use development for the Town Center areas.

7. These planning efforts are consistent with and support the policies of the recently adopted TRPA Regional Plan. For example, TRPA Regional Plan Land Use Policy 1.2 states that "Redeveloping existing Town Centers is a High Priority" and that "Town Centers" serve as receiving areas to transfer development away from environmentally sensitive lands and are targeted for redevelopment in a manner that improves environmental conditions, creates more sustainable and less auto-dependent patterns and provides economic opportunities in the Region.
8. The interrelationship and important balance between environmental, social and economic objectives; and, that economic activity improves social and environmental conditions within communities and that this interrelationship is currently lacking in these three community plan areas. Therefore, the Tahoe Basin Community Plan Update process is a means to foster sustainability within the North Lake Tahoe communities.
9. The Economic Market Analysis prepared in July 2013 by *Economic & Planning Systems, Inc.*, indicated that the North Tahoe Basin is a tourist based economy, with tourism being the economic driver of the region. The study indicates that individual uses in the Community Plan area play key role in the overall tourism product that the North Lake Tahoe Region has to offer. Town Centers serve as the 'hub' for commercial development, and are intended for higher intensity uses typical of tourist mixed-use as a way to invigorate redevelopment and economic activity within the community. The study indicates that the communities within the North Tahoe Basin generally lack a diverse roster of accommodations and lack the compelling packages of retail, services, and recreational amenities needed to compete with nearby areas and to sustain themselves.
10. The TRPA Town Center designated areas are the only areas in the Tahoe Basin Community Plan area that will provide opportunity for redevelopment with allowances for increased density and height as a way to concentrate development and to create vibrant sustainable communities and fostering the environmental threshold gain in the Tahoe Basin. If these limited areas are eliminated through the establishment of incompatible uses, there will be little or no available areas within the TRPA Regional Plan framework to allow the revitalization that is desperately needed in these community plans.
11. After review of the existing Tahoe City, Kings Beach and North Stateline Community Plans, uses have been identified that if established within Plan Area Statement 001A, Special Areas #1 through # 5 of the Tahoe City Community Plan area, within Plan Area Statement 029, Special Areas #1, #2, and #4 of the Kings Beach Community Plan area and Plan Area Statement 032 of the North Stateline Community Plan area would potentially be incompatible with the planning framework designed to revitalize the Town Centers within Placer County.
12. If these uses are allowed to establish within the Town Centers prior to completion of the Area Plan update and the Board's deliberation and consideration of the comprehensive planning framework for revitalization of these community plan areas, the effect could be the undermining of the framework that is designed to revitalize those areas.
13. The uses proposed to be temporarily prohibited in the interim ordinance individually and collectively would immediately threaten and jeopardize the public peace, health, safety and welfare in that they could alter, in a fundamental manner, the ability for revitalization and long-term sustainability of the communities of Tahoe City, Kings Beach, and North Stateline.
14. If developed within the Town Centers of the Tahoe City, Kings Beach, and North Stateline, the uses temporarily prohibited in the interim ordinance would severely restrict the County's ability to ensure the public welfare and to advance a higher quality of life and standard of living for the residents of North Lake Tahoe by eroding the integrity of the planning process that is being utilized in the update.

15. If incompatible uses are allowed to develop in the Town Center area prior to the Board's ability to provide direction on the comprehensive framework for development of the Town Centers through consideration and adoption of the Area Plan update, this overall comprehensive framework could be compromised. Specifically, the establishment of potentially incompatible uses within the Town Center areas is an immediate threat to the successful implementation of the proposed Area Plan update, including the establishment of a very limited portion of the Basin Plan (Town Centers) for increased densities and a sustainable balance of economic, social and environmental factors needed to revitalize the community plan areas.
16. The interim ordinance is temporary in nature and designed to maintain the status quo while the updates to the Tahoe City, Kings Beach and North Stateline Community Plans are underway.
17. An interim ordinance to temporarily prohibit incompatible uses is necessary to protect the public health, safety and welfare of the residents of the North Lake Tahoe Region from a current and immediate threat.

ATTACHMENTS:

- Attachment 1: Proposed Interim Ordinance
- Attachment 2: January 7, 2014 Interim Ordinance Board Report
- Attachment 3: Correspondence

**Before the Board of Supervisors
County of Placer, State of California**

In the matter of:
Interim Ordinance
Prohibiting Certain Uses
Within the Kings Beach,
Tahoe City and North
Stateline Community Plan
Boundaries

Ordinance No.: _____

The following Interim Ordinance was duly passed by four-fifths vote of the Board of Supervisors of the County of Placer at a regular meeting held _____ by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:
Clerk of said Board

Clerk of the Board Signature

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, DOES HEREBY FIND AS FOLLOWS:

WHEREAS, the County is in the process of preparing a comprehensive update to the County's Community/General Plans within the Tahoe Basin.

WHEREAS, the Community/General Plan updates are critical to the economic, social and environmental revitalization of the Kings Beach, Tahoe City and North Stateline Community Plan areas.

WHEREAS, while the Tahoe Basin Region experienced high levels of development in the 1950's in preparation for accommodating the 1960 Winter Olympic Games, the North Tahoe region in particular has since stagnated. The dissolution of the redevelopment agency, the downturn of the economy, lack of employment base and lack of a comprehensive planning framework for a sustainable community have left these communities struggling and blighted.

WHEREAS, the County's Tahoe Basin Community Plan Update, and related planning efforts in the Basin is committed to establishing a planning framework that focuses on the long-term sustainability of the Region and, in particular, the Town Center areas. The County's Community Plan Areas of Tahoe City, Kings Beach, and North Stateline, as depicted on Exhibit A (Map of Community Plan areas) are designated as "Town Centers" under the Tahoe Regional Planning Agency (TRPA) updated Regional Plan, which are depicted on Exhibit B (TRPA TOWN CENTER MAP).

WHEREAS, the County has committed significant capital and staff resources in completing this update as well as infusing capital expenditures into creating a transit oriented, environmentally friendly and economically viable backdrop for new development in the Tahoe Basin.

WHEREAS, the Tahoe Area community, through workshops, citizen advisory groups, charrettes and stakeholder groups have invested substantial time and effort in identifying planning goals and visions for each of these community plan areas, which visions identify mixed-use development for the Town Center areas.

WHEREAS, these planning efforts are consistent with and support the policies of the recently adopted TRPA Regional Plan. For example, TRPA Regional Plan Land Use Policy 1.2 states that "Redeveloping existing Town Centers is a High Priority" and that "Town Centers" serve as receiving areas to transfer development away from environmentally sensitive lands and are targeted for redevelopment in a manner that improves environmental conditions, creates more sustainable and less auto-dependent patterns and provides economic opportunities in the Region.

WHEREAS, the Board recognizes the interrelationship and important balance between environmental, social and economic objectives; and, that economic activity improves social and environmental conditions within communities and that this interrelationship is currently lacking in these three community plan areas. Therefore, the Tahoe Basin Community Plan Update process is a means to foster sustainability within the North Lake Tahoe communities.

WHEREAS, the Economic Market Analysis prepared in July 2013 by Economic & Planning Systems, Inc., indicated that the North Tahoe Basin is a tourist based economy, with tourism being the economic driver of the region. The study indicates that individual uses in the Community Plan area play key role in the overall tourism product

that the North Lake Tahoe Region has to offer. Town Centers serve as the 'hub' for commercial development, and are intended for higher intensity uses typical of tourist mixed-use as a way to invigorate redevelopment and economic activity within the community. The study indicates that the communities within the North Tahoe Basin generally lack a diverse roster of accommodations and lack the compelling packages of retail, services, and recreational amenities needed to compete with nearby areas and to sustain themselves.

WHEREAS, the TRPA Town Center designated areas are the only areas in the Tahoe Basin Community Plan area that will provide opportunity for redevelopment with allowances for increased density and height as a way to concentrate development and to create vibrant sustainable communities and fostering the environmental threshold gain in the Tahoe Basin. If these limited areas are eliminated through the establishment of incompatible uses, there will be little or no available areas within the TRPA Regional Plan framework to allow the revitalization that is desperately needed in these community plans.

WHEREAS, after review of the existing Tahoe City, Kings Beach and North Stateline Community Plans, uses have been identified that if established within Plan Area Statement 001A, Special Areas #1 through # 5 of the Tahoe City Community Plan area, within Plan Area Statement 029, Special Areas #1, #2, and #4 of the Kings Beach Community Plan area and Plan Area Statement 032 of the North Stateline Community Plan area would potentially be incompatible with the planning framework designed to revitalize the Town Centers within Placer County.

WHEREAS, if these uses are allowed to establish within the Town Centers prior to completion of the Area Plan update and the Board's deliberation and consideration of the comprehensive planning framework for revitalization of these community plan areas, the effect could be the undermining of the framework that is designed to revitalize those areas.

WHEREAS, the uses proposed to be temporarily prohibited in the interim ordinance individually and collectively would immediately threaten and jeopardize the public peace, health, safety and welfare in that they could alter, in a fundamental manner, the ability for revitalization and long-term sustainability of the communities of Tahoe City, Kings Beach, and North Stateline.

WHEREAS, if developed within the Town Centers of the Tahoe City, Kings Beach, and North Stateline, the uses temporarily prohibited in the interim ordinance would severely restrict the County's ability to ensure the public welfare and to advance a higher quality of life and standard of living for the residents of North Lake Tahoe by eroding the integrity of the planning process that is being utilized in the update.

WHEREAS, if incompatible uses are allowed to develop in the Town Center area prior to the Board's ability to provide direction on the comprehensive framework for development of the Town Centers through consideration and adoption of the Area Plan update, this overall comprehensive framework could be compromised. Specifically, the establishment of potentially incompatible uses within the Town Center areas is an immediate threat to the successful implementation of the proposed Area Plan update, including the establishment of a very limited portion of the Basin Plan (Town Centers) for increased

densities and a sustainable balance of economic, social and environmental factors needed to revitalize the community plan areas.

WHEREAS, the interim ordinance is temporary in nature and designed to maintain the status quo while the updates to the Tahoe City, Kings Beach and North Stateline Community Plans are underway.

WHEREAS, California Government Code Section 65858(b) authorizes the Board, as the legislative body of the County, to adopt by a four-fifths vote, an interim ordinance to prohibit "any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time."

WHEREAS, the Board finds an interim ordinance to temporarily prohibit incompatible uses is necessary to protect the public health, safety and welfare of the residents of the North Lake Tahoe Region from a current and immediate threat.

WHEREAS, this ordinance is exempt from environmental review pursuant to the provisions of Section 15061(b)(3) of the California Environmental Quality Act Guidelines ("CEQA"). The proposed ordinance identifies and seeks to prohibit those uses that conflict with the vision and proposed goals and policies of the Tahoe Basin Community Plan update and specifically for the Town Centers proposed in Tahoe City, Kings Beach and North Stateline. The Tahoe Basin Community Plan update will be subject to separate CEQA review prior to the Board consideration of the same. The present ordinance seeks to establish a status quo to allow the Community Plan update planning process to continue without the threat of establishment of inconsistent land uses. As a result, it can be seen with certainty that there is no possibility that the Board's adoption of this interim ordinance may have a significant effect on the environment and exemption under Section 15061(b)(3) is appropriate.

NOW THEREFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

1. This interim ordinance shall become effective immediately upon adoption and shall remain in effect for forty-five (45) days from the date of adoption.
2. As of the effective date of this interim ordinance, the following uses are prohibited within Plan Area Statement 029, Special Areas #1 through #4 of the Kings Beach Community Plan area, within Plan Area Statement 001A, Special Areas #1 through # 5 of the Tahoe City Community Plan area, and within Plan Area Statement 032 of the North Stateline Community Plan area:

Kings Beach Community Plan – Plan Area Statement (PAS) 029:

Special Area #1

Animal husbandry services, Service stations, Churches/Religious assembly, Collection stations, Hospitals, Schools – college, Schools kindergarten through secondary

Special Area #2 (East Entry Commercial Area)

Single Family Dwelling, Service stations, Animal husbandry services, Schools – business and vocational, Churches/Religious assembly, Collection stations, Hospitals, Day care centers, Schools – college, Schools – kindergarten through secondary

Special Area #2 (West Entry Commercial Area)

Single Family Dwelling, Service stations, Animal husbandry services, Schools – business and vocational, Churches/Religious assembly, Collection stations, Hospitals, Day care centers, Schools – college, Schools – kindergarten through secondary

Special Area #3

Pipelines and power transmission

Special Area #4

Single Family Dwelling, Service stations, Schools – business and vocational, Schools – pre-schools, Churches/Religious assembly, Collection stations, Hospitals, Day care centers/pre-schools, Schools – college, Schools – kindergarten through secondary

Tahoe City Community Plan – Plan Area Statement (PAS) 001A:

Special Area #1

Service stations, Auto repair and service, Contract construction services, Schools – business and vocational, Churches/Religious assembly, Day care centers/pre-schools, Collection stations

Special Area #2

Animal husbandry services, Service stations, Auto repair and service, Contract construction services, Collection stations

Special Area #3

Day care centers/pre-schools, Collection stations

Special Area #4

Single Family Dwelling, Churches/Religious assembly, Day care centers/pre-schools

Special Area #5

Single Family Dwelling, Service stations, Animal husbandry services, Auto repair and service, Schools – business and vocational, Churches/Religious assembly, Collection stations, Day care centers/pre-schools

North Stateline Community Plan – Plan Area Statement (PAS) 032:

Single Family Dwelling, Service stations, Schools – business and vocational, Churches/Religious assembly, Day care centers/pre-schools

3. During the duration of this ordinance, the County is prohibited from approving any of the uses identified in Section 2 as complete pursuant to County Code Section 17.58.050A(1)(a).

4. This interim ordinance may be extended for an additional period of 22 months and 15 days prior to its expiration by a four-fifths vote of the Board following a noticed public hearing.



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 *MJ*
Agency Director

DATE: January 7, 2014

SUBJECT: **INTERIM URGENCY ORDINANCE PROHIBITING CERTAIN USES WITHIN THE
TAHOE CITY, KINGS BEACH AND NORTH STATELINE COMMUNITY PLAN
BOUNDARIES**

ACTION REQUESTED

Adopt an interim urgency ordinance prohibiting certain uses, including Hospitals, Day Care Centers/Pre-Schools, Churches, Schools – business and vocational, Schools – college, Schools – kindergarten through secondary, Animal Husbandry Services, Collection Stations, Single-Family Residences, Service Stations, Auto Repair and Services, and Contract Construction Services within specific Plan Area Statement Special Areas of the Tahoe City Community Plan area, the Kings Beach Community Plan area and the North Stateline Community Plan area as further outlined in this report.

BACKGROUND

As directed by the Board of Supervisors with the adoption of the FY 2010-2011 Budget, Planning Services Division staff initiated the process of updating the County's Community/General Plans within the Tahoe Basin. Since the Board's direction, staff has been collecting and organizing background materials, has prepared a work program, and has begun public outreach for the Tahoe Basin Community Plan Update. The work program includes a policy and land use update of the Community Plans within the Tahoe Basin area of the County.

The updated Tahoe Basin Community Plan will be a single policy document which will contain broad-based planning policies applicable to the entirety of the Tahoe Basin area within Placer County. The remaining four planning documents – referred to as Area Plans or Development Codes - will provide the zoning standards and design guidelines that will be specific to the four Plan Areas mapped within the Tahoe Basin area of Placer County. It is the Planning Services Division's intention that these four planning documents will be reflective of the individual community vision and character of each of the four Plan Areas.

The County has established four citizen advisory groups/Plan Area Teams to help assist the County in the Update efforts and to help guide the future of the communities within the North Tahoe Basin. Over the last year, the Plan Area Teams have met at Community Workshops to address land use and scale within their communities. A common theme that has come out of the Community Workshops and the Plan Area Team's visioning exercises is to provide for a mix of uses within the commercial cores of each of the Plan Areas. The teams have expressed that mixed-use development would help to revitalize the communities and create more vibrant town and neighborhood centers, where residents

can live and work. The concept of allowing for mixed-use development within the existing commercial centers is consistent with the Tahoe Regional Planning Agency's approved Regional Plan. With the approval of the Regional Plan, TRPA is directing the concentration of development within the existing town and neighborhood commercial centers as a way to reduce automobile dependency and sprawl within the Basin. Accordingly, the Regional Plan has set forth policies to encourage the transfer of development into existing town and neighborhood commercial centers.

As identified in TRPA's updated Regional Plan, local agencies are required to update their local community plans to reflect the new direction set by TRPA in the updated Regional Plan. Many of TRPA's goals and policies in the updated Regional Plan specifically address the need to focus development into existing developed areas, including:

Goal LU-1.2: Redeveloping existing Town Centers is a high priority

Goal LU-3: Provide to the greatest possible extent, within the constraints of the environmental threshold carrying capacities, a distribution of land use that ensures the social, economic and environmental well-being of the region.

Goal LU-3.3: Development is preferred in and directed towards centers, as identified on the Regional Land Use Map. Centers shall have the following characteristics:

1. A concentration of non-residential and mixed-use development at a higher intensity than exists in other areas of the Region.
2. Existing or planned transit service.
3. Highway access.
4. Infill and redevelopment opportunities.
5. Capacity for receiving transfers of development rights and relocations of existing development.
6. Existing or planned housing in the area.
7. Existing or planned street designs with continuous sidewalks, paths and other infrastructure that promotes walking, bicycling and transit use so as to encourage mobility without the use of private vehicles.

Policy LU-4.1: Mixed-Use

Mixed-use areas are urban areas that have been designated to provide a mix of commercial, public services, light industrial, office, and residential uses to the Region or have the potential to provide future commercial, public service, light industrial, office and residential uses. The purpose of this classification is to concentrate higher intensity land uses for public convenience, and enhanced sustainability.

...Town Centers are targeted for redevelopment in a manner that improve environmental conditions, creates a more sustainable and less auto-dependent development pattern and provides economic opportunities in the Region.

Additionally, as set forth in the updated Regional Plan, local community plans are required to be consistent with and conform to the provisions set forth in the Regional Plan. As stated in Section 13.6.4 (Conformity Review Procedures for Area Plans – Approval of Area Plan by TRPA) of the updated Regional Plan:

"The TRPA Governing board shall make a finding that the Area Plan, including all zoning and development codes that are part of the Area Plan, is consistent with and furthers the goals and policies of the Regional Plan."

Accordingly, Placer County will be required to prepare Community/Area Plans that are both consistent and further the goals and policies of the Regional Plan.

Since the launching of the County's public outreach efforts, the County has held multiple Community Workshops to engage the Plan Area Teams and the public in the Community Plan Update process. The focus of Community Workshops have been geared at community visioning and addressing land uses and scale within the town and neighborhood commercial centers of each Plan Area. Attendance at the workshops has included Plan Area Team members and other members of the public, County staff, TRPA staff, Community Design Consultants, as well as representatives from the Tahoe Basin Partnership for Sustainable Communities.

Kings Beach Vision Plan

Staff conducted a Kings Beach Vision Charrette process in July 2013. The Charette included public workshop sessions which provided further opportunity for stakeholder input, Plan Area Team input, and feedback as community design consultants worked to illustrate the community's future vision for Kings Beach. The Charrette resulted in a Vision Plan booklet which is intended to inform the Community Plan and the Area Plan for Kings Beach. Through the Kings Beach Vision Charrette, the community established key visioning principles to help guide land use planning in the Kings Beach area. Those visioning principles are centered around four categories and include:

Sense of Place

1. *Establish Kings Beach as a recreation hub while maintaining diverse, friendly local neighborhoods. Enhance and expand availability of winter recreational opportunities. Create a waterfront destination to suit a wide range of visitor expectations.*
2. *Accomplish place making for locals and visitors by activating and developing interesting gathering places and encouraging reinvestment into building improvements while maintaining Kings Beach's eclectic style.*
3. *Protect lake and ridgeline views through thoughtful site design and appropriate building height.*
4. *Establish welcoming, attractive mixed-use gateways that reinforce community character, create a connection to the Lake and recreation, and aide wayfinding.*

Connectivity and Transportation

1. *Connect people to the Lake, the mountain and their neighborhoods via sidewalks and trails and a lakefront promenade. Create a series of interconnected public recreation and gathering places.*
2. *Create a dynamic public waterfront. Highlight water transit opportunities and connections to public piers.*
3. *Implement a parking management strategy that encourages walking, biking and public transit and incorporates shared parking.*
4. *Provide defined walkways, bike routes and green street elements along primary community streets to reinforce their safety and function as community spaces.*

Environmental Gains

1. *Build upon the Commercial Core's environmental improvements to reduce impacts to lake clarity. Relocate inappropriate uses from sensitive landscapes and consider dual uses of water quality facilities to achieve environmental and community needs.*
2. *Develop verifiable environmental improvements as part of an area-wide solution.*
3. *Utilize redevelopment to implement environmental improvements, including water quality and scenic threshold attainment.*

Economic Vitality

1. *Continue the Commercial Core's evolution as a "Main Street" by promoting infill and creating a flexible, explorable, vibrant town form with shared public amenities beyond just SR 28.*
2. *Enhance overnight accommodations and the mix of uses to attract longer visitor stays and increase revenue generation potential.*
3. *Integrate the Event Center and its prime lake front access as part of Kings Beach's economic and community infrastructure.*
4. *Support reinvestment and redevelopment efforts to upgrade the built environment and address the appearance of aging buildings. Address issues with permitting and planning processes.*
5. *Identify and accomplish incremental improvements in the short-term to maintain momentum and achieve long-term gain for the future.*

The North Tahoe East Plan Area Team (Citizen Advisory Group) was instrumental in formulating the vision principles and is supportive of the principles and vision concepts identified in the Charrette process. In addition, staff supports incorporation of these principles into the Community Plan Policy document and the North Tahoe East Area Plan, as a way to encourage economic and environmental redevelopment, while also maintaining the unique character of the Kings Beach community.

Tahoe City Town Center Visioning Options Public Workshop

Staff also conducted a Tahoe City Town Center Visioning Options Public Workshop on August 28, 2013. The Tahoe City Town Center Visioning Options booklet was created in 2012 by Tahoe City downtown stakeholders as a way to generate ideas about the future of Tahoe City. That process and the Visioning Options booklet were sponsored by the Tahoe City Public Utility District, the North Tahoe Resort Association and various Tahoe City businesses. The intent of their visioning options effort was to generate ideas that might be used to help inform County planning efforts.

This visioning options process was not a County-led process; however, the Visioning Options process did result in some visioning concepts and principles that the County believed were worth further review. Because of that, the County conducted the August 28, 2013 workshop to engage in a dialogue with the public regarding the principles and concepts identified by the Tahoe City downtown stakeholders in the visioning options, and to explore whether or not some of these concepts and principles could help to inform the County's Community Plan and Area Plan for the Greater Tahoe City Area.

Public input received at the August 28 2013 workshop resulted in modifications/augmentation to the Visioning Options principles and the Visioning Options Diagram. The modified/augmented principles include the following:

1. *Implement water quality and other environmental improvements as part of area-wide solutions that appropriately plan for development while helping to meet thresholds and protecting Lake Tahoe and other natural resources.*
2. *Encourage walkable retail at ground level with appropriate mixed-use reinforcing main street vitality and pedestrian activity.*
3. *Create a more explorable, dynamic town form with side streets while preserving Tahoe City's unique community character and providing for increased town center recreation – including golf and winter and shoulder season activities.*
4. *Relocate, increase, and upgrade the lodging alternatives to revitalize the tourism economy.*
5. *Encourage prime accommodation sites that include waterfront access and the expected views and amenities that encourage investment.*
6. *Recognize the importance of views and access to Lake Tahoe and the Truckee River.*

7. *Connect visitors to Lake Tahoe culture and experiences through enhanced gateways, wayfinding, education, recreation amenities, and interpretive facilities.*
8. *Enhance and expand recreational opportunities in winter and shoulder seasons to support a year-round sustainable community.*
9. *Streamline permitting and planning standards to encourage new investment.*
10. *Develop solutions at the community scale rather than relying on a parcel-by-parcel approach. (e.g. parking, snow storage, environmental restoration, coverage, BMPs)*
11. *Enhance bicycle, transit and other alternative transportation modes as an essential part of a destination stay. Improve the flow of traffic through roadway design and community/shared-use parking.*

The Greater Tahoe City Plan Area Team (Citizen Advisory Group) participated in the workshop and helped in modifying/augmenting the vision principles based on public input received at the workshop. Staff supports incorporation of these principles to inform the Community Plan policy document and the Area Plan for Tahoe City as a way to encourage environmental redevelopment, while also maintaining the unique character of the Tahoe City community.

Proposed Zone Districts for Commercial Cores

Over the last year, staff has been working with the Plan Area Teams to address land use within each Plan Area. The teams have met at community workshops and focused meetings to provide input regarding desired land uses within the commercial cores of each Plan Area. As previously noted, in general, all teams have expressed a desire to allow for a mix of uses within the commercial cores.

Given the Planning Commission’s January 2013 support of the mixed-use concept and because it is supported by TRPA as a way to implement their Regional Plan, staff has worked to prepare draft zone districts for the commercial core areas that are mixed-use in nature. Staff has focused on drafting zone districts that are reflective of the character of each individual community, by recognizing existing uses, existing scale, while providing for opportunities for redevelopment, revitalization, and pedestrian oriented development.

Placer County Tahoe Basin Community Plan Policy Framework

The Placer County Tahoe Basin Community Plan Policy Framework document was prepared and designed to provide overarching goals and guiding policies to guide growth and development of communities located in the Placer County Tahoe Basin, provide for the protection and enhancement of natural resources, and further attainment of environmental thresholds. These Guiding Policies provide the platform for individual policies and actions that will be included in Community Plan Policy Document. They have been crafted with input from the community and respond to specific opportunities and challenges. Some pertinent overarching goals and guiding policies related to the current request before the Board include:

Land Use

Land use policies seek to ensure equilibrium between the preservation and enhancement of the Plan Area’s natural environment and appropriate development/redevelopment of the manmade environment.

- Direct the amount and location of new land uses consistent with the environmental threshold carrying capacities and the other goals of the TRPA Regional Plan and Bi-State Compact
- Provide for a distribution of land use that ensures the social, economic, and environmental well-being of the Plan Area
- Retain, enhance and redevelop existing commercial, industrial and tourist accommodation land uses to strengthen the Plan Area’s economic base

- Provide areas for passive and active recreation uses and related services to improve public access and enjoyment of Lake Tahoe and the Truckee River. Allow limited supportive retail and service uses when coupled with environmental enhancement improvements

Town Centers

Town Center policies promote redevelopment and mixed-use development in a pedestrian- and transit-oriented setting.

- Encourage redevelopment and revitalization of Town Centers (Kings Beach and Tahoe City) in a manner that improves environmental and economic conditions and creates a more sustainable and less auto-dependent development pattern
- Encourage the transfer of development rights from environmentally-sensitive lots and outlying residential areas to Town Centers
- Encourage development of “complete” Town Centers that provide a mix of residential, commercial, service, and tourist accommodations in a pedestrian- and transit-oriented setting with connections to residential neighborhoods and recreational areas
- Require development on properties with lake frontage to be designed and built to maximize visual and public access to and along the shore as well as require public amenities on site

Mixed-Use

Mixed use policies focus on supporting complimentary uses, mitigating potential conflict, and promoting pedestrian-oriented amenities.

- Recognize the importance of mixed-use areas to the vitality and quality of life in the Plan Area
- Promote site sensitive design and pedestrian-oriented activities in mixed-use developments
- Foster high quality design, diversity, and a mix of amenities in new residential, commercial and tourist accommodation
- Establish building form standards for mixed-use tourist districts that build on the existing tourist recreation theme with high-quality storefronts designed to attract tourists and meet the needs of local residents

Development and Redevelopment

Development policies seek to link the timing and phasing of new development, redevelopment and environmental improvement projects with progress toward meeting environmental thresholds.

- Encourage the development and redevelopment of tourist accommodations in the Plan Area by removing barriers to hotel development (or redevelopment) and promoting opportunities for public-private partnerships
- Manage development and redevelopment consistent with progress toward meeting environmental thresholds

- Encourage consolidation of development and restoration of sensitive lands through transfer of development rights and transfer of land coverage programs

Community Design

Community design policies seek to create more walkable, livable neighborhoods through improved connections and mixed-use centers, while ensuring that design elements of new, remodeled and redeveloped buildings are compatible with the natural, scenic and recreational values of the Plan Area.

- Emphasize compact form and pedestrian orientation in Town Centers, in locations that many residents reach on foot, by bicycle, on transit, or by short drives

ANALYSIS

As can be seen by the efforts completed to date, the Tahoe Basin Community Plan update is extremely important to Placer County and its constituents. The County has not only committed significant capital but significant staff resources in completing the Area Plans. With the establishment an interim urgency ordinance, the Tahoe Basin stakeholders and residents can be assured that Placer County is committed to honor the communities investment in visioning, Area Plan and Policy Framework efforts.

As staff moves forward with the Community Plan Update process, staff has determined that certain uses that are currently allowed within specific zoning districts of the Tahoe City Community Plan, the Kings Beach Community Plan and the North Stateline Community Plan are not in keeping with the visioning efforts of the Area Teams, conflict with the TRPA Regional Plan and the Placer County Tahoe Basin Community Plan Policy Framework. As a result, staff has concluded that certain land uses have the potential to impact the public health, safety and welfare of the residents of the North Lake Tahoe Region.

To date, staff has received several pre-development applications and/or inquiries regarding specific properties within the future Town Center areas for Kings Beach and Tahoe City. These inquiries have highlighted to staff that there are currently permitted uses within the future Town Center areas that could be developed that are inconsistent with the long-term development of these Town Center areas. Because of this concern, staff has determined that an interim urgency ordinance should be adopted by the Board establishing a prohibition on certain land uses within specific zoning districts within the Tahoe City Community Plan area, the Kings Beach Community Plan Area, and the North Stateline Community Plan area. These uses are:

Kings Beach Community Plan – Plan Area Statement (PAS) 029:

Special Area #1

Animal husbandry services, Service stations, Churches, Collection stations, Hospitals, Schools – college, Schools kindergarten through secondary

Special Area #2 (East Entry Commercial Area)

Single Family Dwelling, Service stations, Animal husbandry services, Schools – business and vocational, Churches, Collection stations, Hospitals, Day care centers, Schools – college, Schools – kindergarten through secondary

Special Area #2 (West Entry Commercial Area)

Single Family Dwelling, Service stations, Animal husbandry services, Schools – business and vocational, Churches, Collection stations, Hospitals, Day care centers, Schools – college, Schools – kindergarten through secondary

Special Area #4

Single Family Dwelling, Service stations, Schools – business and vocational, Schools – pre-schools, Churches, Collection stations, Hospitals, Day care centers/pre-schools, Schools – college, Schools – kindergarten through secondary

Tahoe City Community Plan – Plan Area Statement (PAS) 001A:

Special Area #1

Service stations, Auto repair and service, Contract construction services, Schools – business and vocational, Churches, Day care centers/pre-schools, Collection stations

Special Area #2

Animal husbandry services, Service stations, Auto repair and service, Contract construction services, Collection stations

Special Area #3

Day care centers/pre-schools, Collection stations

Special Area #4

Single Family Dwelling, Churches, Day care centers/pre-schools

Special Area #5

Single Family Dwelling, Service stations, Animal husbandry services, Auto repair and service, Schools – business and vocational, Churches, Collection stations, Day care centers/pre-schools

North Stateline Community Plan – Plan Area Statement (PAS) 032:

Single Family Dwelling, Service stations, Schools – business and vocational, Churches, Day care centers/pre-schools

As the Board is aware, the Tahoe Basin Community Plan update as contemplated will take another year or more to complete. Staff is concerned that if development is allowed to occur in a manner inconsistent with the yet-to-be adopted Community Plan Updates, such development may impact the long-term viability of the future Town Centers and associated Community Plans. Accordingly, staff proposes that during the effective period of Interim Urgency Ordinance, uses as described within this staff report for the Tahoe City Community Plan Area, the Kings Beach Community Plan Area, and the North Stateline Community Plan Area shall be prohibited as set forth in this interim urgency ordinance.

California Government Code Section 65858(a) authorizes the Board, as the legislative body of the County, to adopt by a four-fifths vote, an interim ordinance as an urgency measure to prohibit “any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time.” To support the adoption of such an ordinance, the Board must find there is a “current and immediate threat to the public health, safety, or welfare and that approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for [that] use which is required in order to comply with a zoning ordinance would result in that threat to public health, safety, or welfare.” (Govt. Code section 65858(c).)

In addition to the finding of a “current and immediate threat”, the Board must also articulate the following findings in support of the adoption of an interim ordinance to establish restrictions on particular uses:

- The interim ordinance is necessary to mitigate or avoid the specific, adverse impact that has been identified,

- There is no feasible alternative to satisfactorily mitigate or avoid the specific adverse impact that has been identified as well or better with a less burdensome or restrictive effect, than the adoption of the proposed interim ordinance. (Govt. Code Section 65858(c)(1)-(3).)

If adopted by four-fifths vote of this Board, the interim ordinance would be effective immediately on the date of adoption and remain in effect for 45 days from the date of adoption. The Board may, by a four-fifths vote and after notice and public hearing, extend the interim ordinance for an additional period of 10 months and 15 days and subsequently for one year. No more than two extensions may be adopted. (Govt. Code Section 65858(a).) Failure to extend the initial interim ordinance before the expiration of the 45 day term, or any of the extended terms, will render it null and void at the end of the particular term. (Govt. Code Sections 65858(a) and (e).) If adopted, the Board must also issue a written report describing the measures taken to alleviate the condition which led to the adoption of the interim ordinance ten days prior to the initial expiration of the ordinance or any extension. (Govt. Code Section 65858(d).)

The present proposed interim ordinance may not be extended beyond the maximum term outlined above. If the Board has not adopted the Tahoe Basin Community Plans before the expiration of the interim ordinance, the use restrictions under that interim ordinance will be lifted and of no further force and effect. The Board could adopt another interim ordinance; however, that new interim ordinance must articulate a “set of circumstances different from the event, occurrence, or set of circumstances that led to the adoption of the prior interim ordinance.” (Emphasis added. Govt. Code Section 65858(f).)

FISCAL IMPACT

While County staff time will be required to update the Tahoe Basin Community Plans, all required work can be performed with the General Fund monies previously allocated to the Community Development Resource Agency. Implementation of this proposed interim urgency ordinance will not result in an impact to the County’s General Fund.

CEQA COMPLIANCE

The proposed interim urgency ordinance is exempt from environmental review pursuant to the provisions of Section 15061(b)(3) of the California Environmental Quality Act Guidelines (“CEQA”). The proposed ordinance identifies and seeks to prohibit those uses that conflict with the vision and proposed goals and policies of the Tahoe Basin Community Plan update and specifically for the Town Centers proposed in Tahoe City, Kings Beach and North Stateline. The Tahoe Basin Community Plan update will be subject to separate CEQA review prior to the Board consideration of the same. The present ordinance seeks to establish a status quo to allow the Community Plan update planning process to continue without the threat of establishment of inconsistent land uses. As a result, it can be seen with certainty that there is no possibility that the Board’s adoption of this interim urgency ordinance may have a significant effect on the environment and exemption under Section 15061(b)(3) is appropriate.

RECOMMENDATION

Staff recommends the Board of Supervisors adopt an interim urgency ordinance prohibiting the following specific uses within the Tahoe City, Kings Beach and North Stateline Community Plans, subject to the findings set forth below.

Kings Beach Community Plan – Plan Area Statement (PAS) 029:

Special Area #1

Animal husbandry services, Service stations, Churches, Collection stations, Hospitals, Schools – college, Schools kindergarten through secondary

Special Area #2 (East Entry Commercial Area)
Single Family Dwelling, Service stations, Animal husbandry services, Schools – business and vocational, Churches, Collection stations, Hospitals, Day care centers, Schools – college, Schools – kindergarten through secondary

Special Area #2 (West Entry Commercial Area)
Single Family Dwelling, Service stations, Animal husbandry services, Schools – business and vocational, Churches, Collection stations, Hospitals, Day care centers, Schools – college, Schools – kindergarten through secondary

Special Area #4
Single Family Dwelling, Service stations, Schools – business and vocational, Schools – pre-schools, Churches, Collection stations, Hospitals, Day care centers/pre-schools, Schools – college, Schools – kindergarten through secondary

Tahoe City Community Plan – Plan Area Statement (PAS) 001A:

Special Area #1
Service stations, Auto repair and service, Contract construction services, Schools – business and vocational, Churches, Day care centers/pre-schools, Collection stations

Special Area #2
Animal husbandry services, Service stations, Auto repair and service, Contract construction services, Collection stations

Special Area #3
Day care centers/pre-schools, Collection stations

Special Area #4
Single Family Dwelling, Churches, Day care centers/pre-schools

Special Area #5
Single Family Dwelling, Service stations, Animal husbandry services, Auto repair and service, Schools – business and vocational, Churches, Collection stations, Day care centers/pre-schools

North Stateline Community Plan – Plan Area Statement (PAS) 032:

Single Family Dwelling, Service stations, Schools – business and vocational, Churches, Day care centers/pre-schools

FINDINGS

CEQA:

The proposed interim urgency ordinance is exempt from environmental review pursuant to the provisions of Section 15061(b)(3) of the California Environmental Quality Act Guidelines (“CEQA”). The proposed ordinance identifies and seeks to prohibit those uses that conflict with the vision and proposed goals and policies of the Tahoe Basin Community Plan update and specifically for the Town Centers proposed in Tahoe City, Kings Beach and North Stateline. The Tahoe Basin Community Plan update will be subject to separate CEQA review prior to the Board consideration of the same. The present ordinance seeks to establish a status quo to allow the Community Plan update planning process to continue without the threat of establishment of inconsistent land uses. As a result, it can be seen with certainty that there is no possibility that the Board’s adoption of this interim urgency ordinance may have a significant effect on the environment and exemption under Section 15061(b)(3) is appropriate.

PROJECT:

1. The County's Community Plan Areas of Tahoe City, Kings Beach, and North Stateline, as depicted on Attachment 1, Exhibit A (MAP of Community Plan areas) have been designated as "Town Centers" under the Tahoe Regional Planning Agency (TRPA) updated Regional Plan, which are depicted in Attachment 1, Exhibit B (TRPA TOWN CENTER MAP).
2. TRPA Regional Plan Land Use Policy 1.2 states that "Redeveloping existing Town Centers is a High Priority" and that environmentally beneficial redevelopment and rehabilitation of identified Centers is a priority. "Town Centers" serve as receiving areas to transfer development away from environmentally sensitive lands and as stated in the TRPA Regional Plan, they are targeted for redevelopment in a manner that improves environmental conditions, creates more sustainable and less auto-dependent patterns and provides economic opportunities in the Region.
3. The TRPA Town Center designated areas provide increased opportunity for redevelopment with allowances for increased density and height as a way to concentrate development and to create vibrant sustainable communities, while also fostering environmental threshold gain in the Tahoe Basin. Areas outside of the TRPA Town Centers are not intended for intensified land use patterns and therefore are not afforded increased allowances for density and height. Therefore, redevelopment with appropriate land uses within the Town Centers in Placer County is critical to foster sustainable communities where Placer County residents can thrive.
4. After review of the existing Tahoe City, Kings Beach and North Stateline Community Plans, uses have been identified that if established within Plan Area Statement 0001A, Special Areas #1 through # 5 of the Tahoe City Community Plan area, within Plan Area Statement 029, Special Areas #1, #2, and #4 of the Kings Beach Community Plan area and Plan Area Statement 032 of the North Stateline Community Plan area would be incompatible with the intent to revitalize the Town Centers within Placer County.
5. An interim ordinance to prohibit incompatible uses is necessary to protect the public health, safety and welfare of the residents of the North Lake Tahoe Region. The interim ordinance will authorize the County to refuse to process new applications for uses that are identified in the ordinance as prohibited for the term of the ordinance and focus on finalizing its updates to the Tahoe City, Kings Beach and North Stateline Community Plans that are currently underway. Updates to said Community Plans will include review of existing allowed land uses within Plan Area Statement 0001A, Special Areas #1 through # 5 of the Tahoe City Community Plan area, within Plan Area Statement 029, Special Areas #1, #2, and #4 of the Kings Beach Community Plan area and Plan Area Statement 032 of the North Stateline Community Plan area for compatibility, and develop criteria and standards for such uses that may be appropriate in light of the character, purpose of, and Regional Plan requirements for the Town Centers within Placer County.
6. An interim ordinance prohibiting specific uses outlined above is necessary to ensure that all development within the future Town Centers does not conflict with the region's vision for sustainable communities, the goals and objectives of the TRPA Regional Plan and the County's pending Community Plan Updates.
7. The interim ordinance is necessary to mitigate the adverse impacts identified above and no feasible alternative has been identified with a less burdensome or restrictive effect than the adoption of this ordinance.

ATTACHMENTS:

Attachment 1: Proposed Interim Urgency Ordinance

**Before the Board of Supervisors
County of Placer, State of California**

In the matter of:
Interim Urgency Ordinance
Prohibiting Certain Uses
Within the Tahoe City,
Kings Beach and North
Stateline Community Plan
Boundaries

Ordinance No.: _____

The following Ordinance was duly passed by four-fifths vote of the Board of Supervisors of the County of Placer at a regular meeting held _____ by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:
Clerk of said Board

Clerk of the Board Signature

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, DOES HEREBY FIND AS FOLLOWS:

**ATTACHMENT 1
(JANUARY 7, 2013 STAFF REPORT)**

WHEREAS, the County is in the process of preparing a comprehensive update to the County's Community/General Plans within the Tahoe Basin.

WHEREAS, the County has not only committed significant capital but significant staff resources in completing this update.

WHEREAS, the Tahoe Area community, through workshops, citizen advisory groups, charrettes and stakeholder groups have expended substantial time and effort in identifying visions for the future of each of these community plan areas, which visions include town centers to allow for accommodation of mixed-use development consistent with the Tahoe Regional Planning Agency's approved Regional Plan.

WHEREAS, the County's Community Plan Areas of Tahoe City, Kings Beach, and North Stateline, as depicted in Exhibit A (MAP of Community Plan areas) have been designated as "Town Centers" under the Tahoe Regional Planning Agency (TRPA) updated Regional Plan, which are depicted in Exhibit B (TRPA TOWN CENTER MAP).

WHEREAS, TRPA Regional Plan Land Use Policy 1.2 states that "Redeveloping existing Town Centers is a High Priority" and that environmentally beneficial redevelopment and rehabilitation of identified Centers is a priority. "Town Centers" serve as receiving areas to transfer development away from environmentally sensitive lands and as stated in the TRPA Regional Plan, they are targeted for redevelopment in a manner that improves environmental conditions, creates more sustainable and less auto-dependent patterns and provides economic opportunities in the Region.

WHEREAS, the TRPA Town Center designated areas provide increased opportunity for redevelopment with allowances for increased density and height as a way to concentrate development and to create vibrant sustainable communities, while also fostering environmental threshold gain in the Tahoe Basin. Areas outside of the TRPA Town Centers are not intended for intensified land use patterns and therefore are not afforded increased allowances for density and height. Therefore, redevelopment with appropriate land uses within the Town Centers in Placer County is critical to foster sustainable communities where Placer County residents can thrive.

WHEREAS, after review of the existing Kings Beach, Tahoe City, and North Stateline Community Plans, the following uses have been identified that, if established within Plan Area Statement 029, Special Areas #1, #2, and #4 of the Kings Beach Community Plan area, within Plan Area Statement 0001A, Special Areas #1 through #5 of the Tahoe City Community Plan area, and within Plan Area Statement 032 of the North Stateline Community Plan area, would be incompatible with the intent to revitalize the Town Centers within Placer County:

Kings Beach Community Plan – Plan Area Statement (PAS) 029:

Special Area #1

Animal husbandry services, Service stations, Churches, Collection stations, Hospitals, Schools – college, Schools kindergarten through secondary

Special Area #2 (East Entry Commercial Area)

Single Family Dwelling, Service stations, Animal husbandry services, Schools – business and vocational, Churches, Collection stations, Hospitals, Day care centers, Schools – college, Schools – kindergarten through secondary

Special Area #2 (West Entry Commercial Area)

Single Family Dwelling, Service stations, Animal husbandry services, Schools – business and vocational, Churches, Collection stations, Hospitals, Day care centers, Schools – college, Schools – kindergarten through secondary

Special Area #4

Single Family Dwelling, Service stations, Schools – business and vocational, Schools – pre-schools, Churches, Collection stations, Hospitals, Day care centers/pre-schools, Schools – college, Schools – kindergarten through secondary

Tahoe City Community Plan – Plan Area Statement (PAS) 001A:

Special Area #1

Service stations, Auto repair and service, Contract construction services, Schools – business and vocational, Churches, Day care centers/pre-schools, Collection stations

Special Area #2

Animal husbandry services, Service stations, Auto repair and service, Contract construction services, Collection stations

Special Area #3

Day care centers/pre-schools, Collection stations

Special Area #4

Single Family Dwelling, Churches, Day care centers/pre-schools

Special Area #5

Single Family Dwelling, Service stations, Animal husbandry services, Auto repair and service, Schools – business and vocational, Churches, Collection stations, Day care centers/pre-schools

North Stateline Community Plan – Plan Area Statement (PAS) 032:

Single Family Dwelling, Service stations, Schools – business and vocational, Churches, Day care centers/pre-schools

WHEREAS, California Government Code Section 65858(a) authorizes the Board, as the legislative body of the County, to adopt by a four-fifths vote, an interim ordinance as an urgency measure to prohibit “any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time.”

WHEREAS, to support the adoption of such an ordinance, the Board must find there is a “current and immediate threat to the public health, safety, or welfare and that approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for [that] use which is required in order to comply with a zoning ordinance would result in that threat to public health, safety, or welfare.” (Govt. Code section 65858(c).)

WHEREAS, the Board finds an interim ordinance to prohibit incompatible uses is necessary to protect the public health, safety and welfare of the residents of the North Lake Tahoe Region. The interim ordinance will authorize the County to refuse to process new applications for uses that are identified in the ordinance as prohibited for the term of the ordinance and focus on finalizing its updates to the Kings Beach, Tahoe City and North Stateline Community Plans that are currently underway. Updates to said Community Plans will include review of existing allowed land uses within Plan Area Statement 029, Special Areas #1, #2, and #4 of the Kings Beach Community Plan area, within Plan Area Statement 0001A, Special Areas #1 through # 5 of the Tahoe City Community Plan area, and within Plan Area Statement 032 of the North Stateline Community Plan area for compatibility, and develop criteria and standards for such uses that may be appropriate in light of the character, purpose of, and Regional Plan requirements for the Town Centers within Placer County.

WHEREAS, the interim ordinance is necessary to mitigate the adverse impacts identified above and no feasible alternative has been identified with a less burdensome or restrictive effect than the adoption of this ordinance.

WHEREAS, this ordinance is exempt from environmental review pursuant to the provisions of Section 15061(b)(3) of the California Environmental Quality Act Guidelines ("CEQA"). The proposed ordinance identifies and seeks to prohibit those uses that conflict with the vision and proposed goals and policies of the Tahoe Basin Community Plan update and specifically for the Town Centers proposed in Tahoe City, Kings Beach and North Stateline. The Tahoe Basin Community Plan update will be subject to separate CEQA review prior to the Board consideration of the same. The present ordinance seeks to establish a status quo to allow the Community Plan update planning process to continue without the threat of establishment of inconsistent land uses. As a result, it can be seen with certainty that there is no possibility that the Board's adoption of this interim urgency ordinance may have a significant effect on the environment and exemption under Section 15061(b)(3) is appropriate.

NOW THEREFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

1. As of the effective date of this interim urgency ordinance, the following uses are prohibited within Plan Area Statement 029, Special Areas #1, #2, and #4 of the Kings Beach Community Plan area, within Plan Area Statement 0001A, Special Areas #1 through # 5 of the Tahoe City Community Plan area, and within Plan Area Statement 032 of the North Stateline Community Plan area:

Kings Beach Community Plan – Plan Area Statement (PAS) 029:

Special Area #1

Animal husbandry services, Service stations, Churches, Collection stations, Hospitals, Schools – college, Schools kindergarten through secondary

Special Area #2 (East Entry Commercial Area)

Single Family Dwelling, Service stations, Animal husbandry services, Schools – business and vocational, Churches, Collection stations, Hospitals, Day care centers, Schools – college, Schools – kindergarten through secondary

Special Area #2 (West Entry Commercial Area)

Single Family Dwelling, Service stations, Animal husbandry services, Schools – business and vocational, Churches, Collection stations, Hospitals, Day care centers, Schools – college, Schools – kindergarten through secondary

Special Area #4

Single Family Dwelling, Service stations, Schools – business and vocational, Schools – pre-schools, Churches, Collection stations, Hospitals, Day care centers/pre-schools, Schools – college, Schools – kindergarten through secondary

Tahoe City Community Plan – Plan Area Statement (PAS) 001A:

Special Area #1

Service stations, Auto repair and service, Contract construction services, Schools – business and vocational, Churches, Day care centers/pre-schools, Collection stations

Special Area #2

Animal husbandry services, Service stations, Auto repair and service, Contract construction services, Collection stations

Special Area #3

Day care centers/pre-schools, Collection stations

Special Area #4

Single Family Dwelling, Churches, Day care centers/pre-schools

Special Area #5

Single Family Dwelling, Service stations, Animal husbandry services, Auto repair and service, Schools – business and vocational, Churches, Collection stations, Day care centers/pre-schools

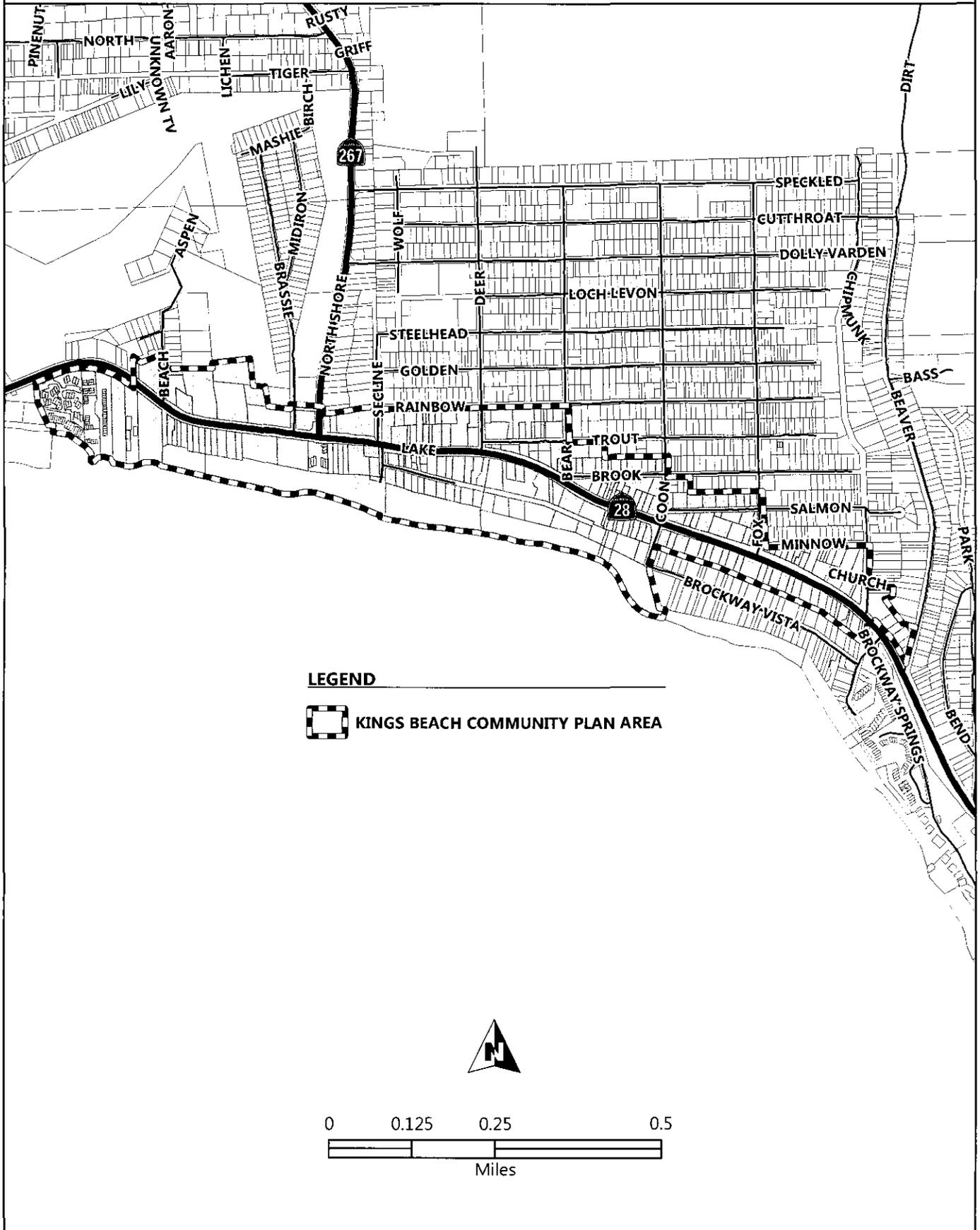
North Stateline Community Plan – Plan Area Statement (PAS) 032:

Single Family Dwelling, Service stations, Schools – business and vocational, Churches, Day care centers/pre-schools

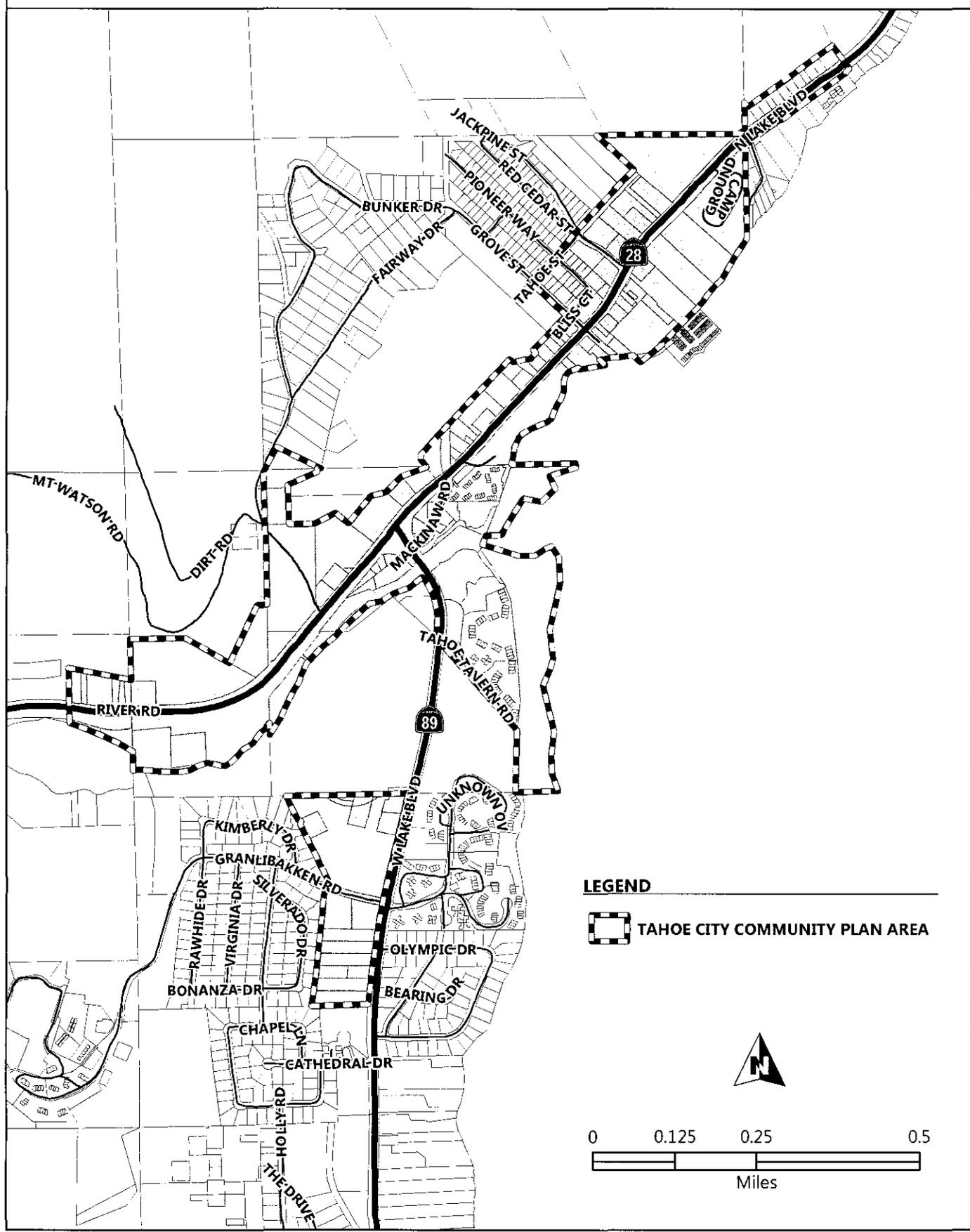
2. This interim urgency ordinance shall become effective immediately upon adoption and shall remain in effect for forty-five (45) days from the date of adoption.
3. This interim urgency ordinance may be extended for ten (10) months and 15 days prior to its expiration by a four-fifths vote of the Board following notice pursuant to Govt. Code section 65090 and a public hearing and subsequently for a one year period. Not more than two extensions may be adopted.

EXHIBIT A

Kings Beach Community Plan Area



Tahoe City Community Plan Area



North Stateline Community Plan Area

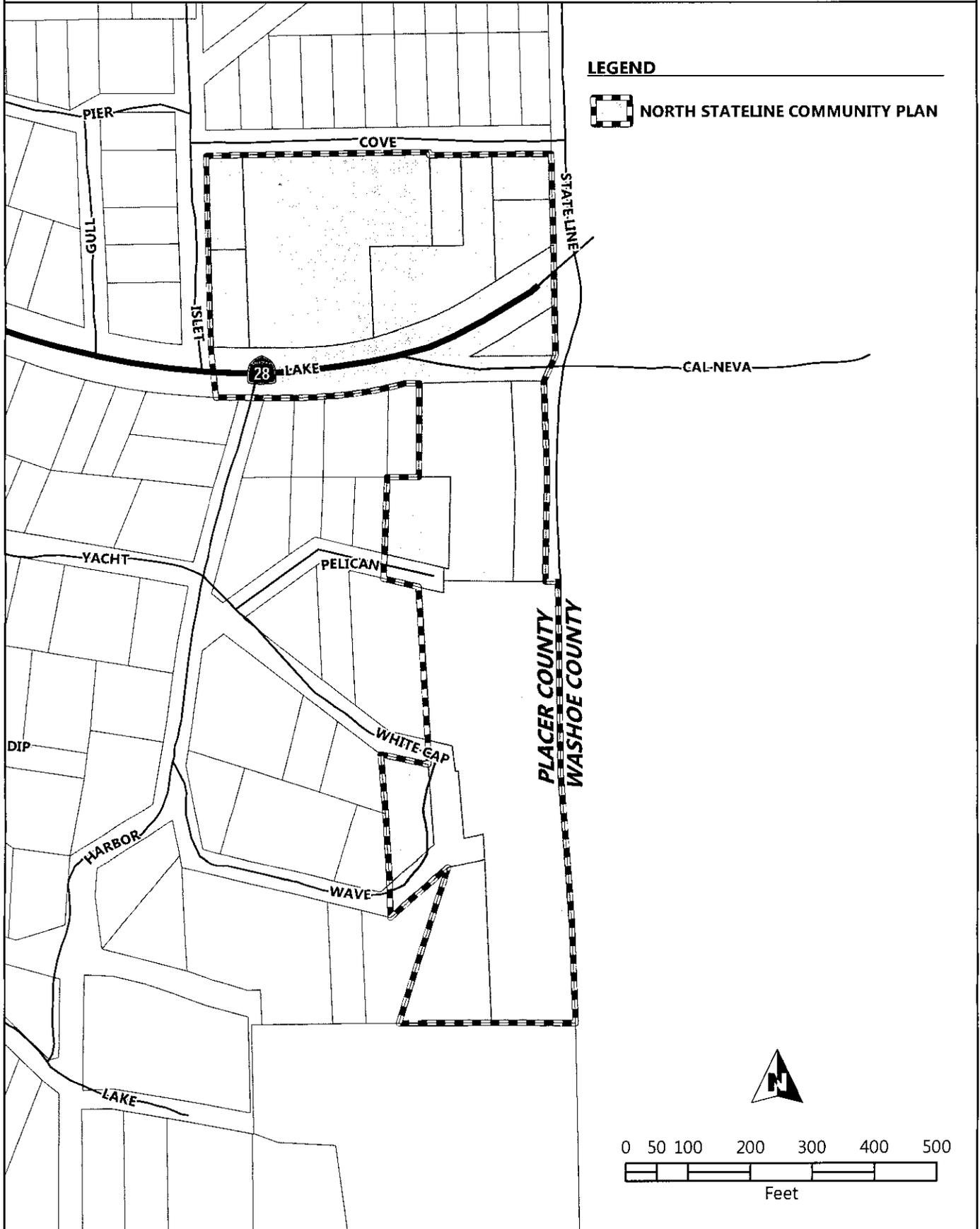


EXHIBIT B

