



**COMMUNITY DEVELOPMENT**  
1594 Esmeralda Avenue, Minden, Nevada 89423

Building Division  
Engineering Division  
Planning Division  
Code Enforcement

Mimi Moss  
COMMUNITY DEVELOPMENT DIRECTOR

775-782-6201  
FAX: 775-782-6297  
website: [www.douglascountynv.gov](http://www.douglascountynv.gov)

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## AGENDA

### DOUGLAS COUNTY PLANNING COMMISSION

#### MAY 8, 2012

A meeting of the Douglas County Planning Commission will be held on **Tuesday, May 8, 2012** beginning at **1:00 p.m.** The meeting will be held in the Douglas County Commissioner Meeting Room of the Douglas County Administrative Building, 1616 Eighth Street, Minden, Nevada. The time of agenda items is approximate. *The Planning Commission may also be meeting for lunch on the same day, at 11:30 a.m. at Saletti's Restaurant, 1623 Hwy 395 N., Minden, NV. Members of the public, press, and staff are welcome. This is a social gathering; no Planning Commission business will be discussed.*

The Planning Commission reserves the right to take items in a different order; to combine two or more agenda items for consideration; and to remove items from the agenda or delay discussion relating to an item on the agenda at any time.

It is the intent of the Planning Commission to protect the dignity of citizens who wish to comment before the Commission. It is also the members' wish to provide the citizens of Douglas County with an environment that upholds the highest professional standards. Citizens should have the ability to freely comment on items and/or projects that are brought before the Commission for action without interference.

In order to ensure that every citizen desiring to speak before the Commission has the opportunity to express his/her opinion, it is requested that the audience refrain from making comments, hand clapping or making any remarks or gestures that may interrupt, interfere or prevent the speaker from commenting on any present or future project. The Commission, through its chair, may prohibit a comment if the content of the comment is on a topic that is not relevant to, or within the authority of the public body or if the content of the comment is repetitious or willfully disruptive of the meeting. Written materials filed with the Clerk are part of the record and do not need to be read aloud. Citizens and applicants alike are encouraged to submit written materials well in advance of the scheduled meeting so that the Planning Commissioners will have time to review them before the public hearings begin.

Persons desiring an opportunity to address the Planning Commission who are not able to attend the meeting are requested to complete and submit a "Comment Card" to the Chair at the main podium prior to the convening of the meeting. Cards are located at the main entrance to the meeting room.

**Notice to Persons with Disabilities:** Members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify the County Clerk's Office in writing at P.O. Box 218, Minden, Nevada 89423 or by calling 782-9020 at least 20 hours in advance.

**Call to Order and Determination of Quorum.**

**Pledge of Allegiance.**

**Approval of Agenda.**

**Disposition of the April 10, 2012 Meeting Minutes.**

**Public Comment. (No Action Can Be Taken)**

At this time, public comment will be taken on those items within the jurisdiction and control of the Planning Commission or those agenda items where public comment will not be taken as a public hearing is not legally required. Public Comment is limited to 3 minutes per speaker. The Planning Commission uses timing lights in an effort to ensure that everyone gets to speak for the same amount of time. You will see a green light when you begin, and then a yellow light which indicates that you have thirty seconds left. Once the light goes red, please sit down.

If you are going to comment on a specific agenda item scheduled for discussion and action, please do so when that item is opened for public comment. On an item that is agendized under “presentations” or “planning matters” with no action listed, public comment is not legally required and any public comment on those items must be made at this time.

**Presentations.** Discussion Only.

1. **Presentation and status report by Deputy Chief Steve Eisele, East Fork Fire and Paramedic District, and Chief Peter J. Mulvihill, Nevada State Fire Marshall, on new state law regarding the Wildland-Urban Interface Building Code.**

**Planning Matters.** Discussion only.

2. **Status Report on TRPA Regional Plan by Brandy McMahon, AICP, Senior Planner.**

**Adjournment.**

Copies of this notice are posted at the Douglas County Administrative Building (Historic Courthouse), Douglas County Community Development (Minden Inn), Douglas County Judicial and Law Enforcement Center, Douglas County Libraries – Minden and Lake Tahoe, and the Minden Post Office. This notice is also posted on the Douglas County web page ([www.douglascountynv.gov](http://www.douglascountynv.gov))

**TIMING FOR AGENDA ITEMS IS APPROXIMATE UNLESS OTHERWISE INDICATED**

**DRAFT**

The regular meeting of the Douglas County Planning Commission was held on Tuesday, April 10, 2012 in the Douglas County Commissioner Meeting Room of the Douglas County Administrative Building, 1616 8<sup>th</sup> Street, Minden, NV.

**PLANNING COMMISSION MEMBERS PRESENT:** Margaret Pross, Chair; Frank Godecke, Vice Chairman; Jo Etta Brown; James Madsen; Kevin Servatius; Don Miner and Jeremy Davidson.

**STAFF PRESENT:** Cynthea Gregory, Deputy District Attorney; Candace Stowell, Planning Manager; Brandy McMahon, Senior Planner; Ron Roman, Senior Civil Engineer and Lorraine Diedrichsen, Clerk to the Board.

**Call to Order and Determination of Quorum**

Chair Pross called the meeting to order at 1:00 pm and determined a quorum was present.

**Pledge of Allegiance**

Member Davidson led the Pledge of Allegiance.

**Approval of Agenda**

MOTION by Brown/Servatius to approve the agenda as presented; carried unanimously.

**Disposition of the March 13, 2012 Meeting Minutes.**

MOTION by Madsen/Godecke to approve the minutes as presented; carried unanimously.

**Public Comment**

None.

**Public Hearings**

- 1. For Possible Action. Discussion on Resolution Number PC 2012-001 (ref. DA 12-004), amending the Douglas County Master Plan by adopting the Community Wellhead Protection (CWHP) Plan for Public Water Systems in Douglas County, Nevada, as part of the Environmental Resources and Conservation Element, Chapter 8, of the Master Plan, and other properly related matters. The Planning Commission may recommend approval, approval with modifications, or denial of the request to the Board of Commissioners.**

**Case Planner: Brandy McMahon, AICP 775)782-6215    bmcMahon@co.douglas.nv.us**

**Case Engineer: Ron Roman, PE, Engineering Manager (775) 783-6239    rroman@co.douglas.nv.us**

DOUGLAS COUNTY PLANNING COMMISSION  
MEETING OF APRIL 10, 2012

Chair Pross disclosed she had attended and participated in the Douglas County Community Wellhead Protection workshops. Members Servatius and Godecke disclosed they were property owners within the noticing radius. None feel their judgment would be materially affected and did not recuse themselves.

Brandy McMahon, Senior Planner, introduced Kim Borgzinner, NDEP, Eileen Christensen, BEC Environmental, and Ron Roman, Senior Civil Engineer for Douglas County. This is a Master Plan Amendment and begins to implement the actions items set forth in Chapter 8 of the 2011 Master Plan update.

Ms. Borgzinner identified the planning team and the agencies involved in preparing the plan. This plan will provide a framework for communities to use as they look at their wells and the land use practices taking place around the wells to ensure the drinking water would be protected. Potential contaminate sources within the wellhead areas were identified to determine their risk, if any, to the drinking water. If they pose a risk, the plan identifies methods specific to each community to prevent, manage, or mitigate the risks.

Ms. Christensen presented the planning process, potential containment source inventory findings, and work and public education plans. The draft plan was presented to all applicable water purveyors, with the exception of GREGID because they declined to participate, and comments and letters of support were received. TREGID voted not to endorse the plan. Countywide public education is underway and new development projects located in the wellhead protection areas will be forwarded to the affected water purveyor for comment and inclusion in the Conditions of Approval. The next steps include obtaining State of Nevada endorsement for the CWHP Plan and implementation of the work and public education plans.

Ron Roman, Senior Civil Engineer, stated support for the plan. Staff is reviewing inactive wells to see if they can serve as backup wells or if they should be plugged and abandoned to eliminate a potential source of contamination to the groundwater.

Ms. McMahon pointed out a slight language change to the Resolution relating to the changes recommended in the comment response matrix.

Member Servatius talked about the stringent federal standards being faced and would like to see reasonableness standards for developers that develop small water systems. He would like firm guidance for the future on the threshold for when a private system should not be considered. Ms. Borgzinner stated that was outside her area of expertise but would direct Mr. Servatius to the proper people to talk to. However most of the guidelines stem from NAC or NPDES permit requirements but the recommendations are made on an individual basis. Ms. McMahon said environmental issues and the cost of hooking private water systems up is discussed under Issues in the Public Services and Facilities Element.

Member Madsen reiterated his concern about the need for sand and oil separators. When they are not maintained, the runoff from the parking areas flows into the

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agricultural systems which in turn flow into the rivers and end up in the Lahontan sink. There is no maintenance program and nothing is done by the county. All that is needed is an administrator to ensure these get pumped and serviced. He brings this up regularly yet nothing is done about it.

Vice Chairman Godecke asked if any of the identified sites are being monitored and if so, how is this being done. Ms. Christensen explained the process that is followed if there is a reported leak or a spill.

Vice Chairman Godecke asked if there are off site wells that are tested and monitored for contamination with Ms. Christensen responding most gas stations maintain monitoring wells. Underground storage tanks and gas stations have alert systems so if there is any leakage, it alerts the station owner of the problem. Some protective measures are already being required. Vice Chairman Godecke cited a past issue of contamination at the airport and the installation of monitoring wells as a result. Ms. Christensen said the document is publicly available and one of the processes of educating the general public is being aware. If there is a problem within these areas that has the potential to effect the groundwater supply, people need to report it so it can be addressed right away.

Chair Pross said the USGS study encompasses monitoring of some wells in certain areas and Ms. Christensen agreed. USGS provided technical support for the planning team and is open to comment from the public. That comment can be included during the next update of the plan.

Member Miner asked what those that do not participate in the CWHP Plan lose out on with Ms. Christensen responding they would not qualify for grants. Responding to his question about the inclusion of Lake Tahoe, Ms. Christensen stated it was not included in this plan because they have their own planning area that is already addressing much of the water quality issues that are specific to that region.

PUBLIC COMMENT

Donna Buddington, Mottsville area resident, requested a copy of the map to determine if she is in the wellhead protection area. She has had to put in a new well and is very concerned about the potential future proliferation of septic systems. Fresh water is precious and must be paid attention to. Testing of water is very expensive. She discussed a neighbor who has an area full of old paving material and stated she has received no help from the county on addressing this environmental issue.

Public comment closed.

Member Servatius asked if the plan contains any information on addressing emergency preparedness when the wellheads are flooded. Ms. Christensen said a portion of the plan addresses emergency conditions and this plan works together with a plan being developed for emergency management processes so if a public water supply is contaminated, the county has measures they can take to provide alternative water

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supplies and remediate the issues as quickly as possible. Member Servatius hopes the plan gets used by the county and suggested including the FEMA maps as part of the emergency preparations.

Member Brown asked if biannual updates would be sufficient for this plan with Ms. Borgzinner stating the state will assist with plan updates once every ten years. It is up to the community planning team to look at the plan as things in the community come forward or change.

Member Davidson asked how TREGID or GRGID could take part in the plan in the future if they desired. Ms. Borgzinner said they would have to approach the local team but they would have to be prepared to provide the resources to accommodate it.

Member Madsen asked how the plan would be enforced. Ms. Christensen said the planning and permitting review process for anything that has to go through the plan and review process will now include a process for the CWHP. Existing facilities will be subject to public education.

Candace Stowell, Planning Manager, recognized the critical importance of existing problems and said the issues are being addressed and progress is being made in that area. For new development, the creation of future land use changes or zoning district changes will be needed to prevent potential contaminates from locating in the wellhead protection areas.

Member Miner believes there are rules governing the number of septic systems in a square mile and asked if that is monitored for compliance. Ms. Borgzinner said there are rules for the number of septic systems in specific basins and it is done on a square mile radius. It varies by community but NDEP can help coordinate those limits into the local planning process. Member Miner asked how it is determined when an area is oversaturated with septic systems. Ms. Borgzinner stated there are technical plan reviews of subdivisions to look at utilities for water and wastewater. At that point they figure out how many septic systems are in the square mile radius around the subdivision. While that addresses the planning stages of a subdivision, Member Miner asked how the state monitors conformance and maintenance of existing septic systems. Ms. Borgzinner said the state does not have authority to monitor septic systems. It is up to the local community and the homeowners to manage the septic systems. Ms. Christensen added many communities do not find the problem with a concentration of septic tanks until late in the process. It is a statewide problem. Member Miner suggested anticipatory management of septic systems would be beneficial in minimizing their impact.

Adding to Member Miner's comments about anticipatory management, Member Servatius talked about the acidity index in the wells on the west side of the valley and suggested copper pipes may not be appropriate for that area. He suggested staff review the code and determine the acceptable plumbing materials for the west side.

MOTION by Miner/Brown to adopt Resolution PC 2012-001 (ref. DA 12-004), recommending approval of the CWHP Plan for Public Water Systems in Douglas County,

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Nevada, as part of the Environmental Resources and Conservation Element, Chapter 8, of the Master Plan, and other properly related matters, to the Board of County Commissioners, based on the discussion and findings in the staff report and to include the changes made in the matrix; carried unanimously.

**Planning Matters**

**2. Presentation by Cynthea Gregory, Deputy District Attorney, on making a complete record when evaluating Development Applications.**

Cynthea Gregory, Deputy District Attorney, covered the important points that should be considered when making a complete and good administrative record.

This was a presentation only and no action was taken.

There being no further business to come before the Planning Commission, the meeting adjourned at 2:52 p.m.

Respectfully Submitted:

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Lorraine Diedrichsen, Clerk to the Board

Approved:

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Margaret Pross, Chair



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### MEMORANDUM

Date: May 8, 2012

To: Douglas County Planning Commission

From: Brandy McMahon, AICP, Senior Planner *BTM*

RE: Tahoe Regional Planning Agency Regional Plan Update

On April 25, 2012, the Tahoe Regional Planning Agency (TRPA) released the following documents for public review:

- Draft Regional Plan Update and Environmental Impact Statement
- Draft Regional Transportation Plan and Environmental Impact Statement
- Draft Code of Ordinances
- 2011 Draft Threshold Evaluation Report

The documents and brief fact sheets on policy changes have been posted to [www.trpa.org](http://www.trpa.org) and are available at the TRPA office. More information on these documents and the TRPA adoption schedule is provided below.

#### Draft 2011 Threshold Evaluation Report

The Threshold Evaluation Report evaluates the environmental health of the Tahoe Region and is compiled by TRPA every 5 years. The Draft 2011 Threshold Evaluation Report was reviewed by an independent scientific peer review panel and examines whether TRPA has made progress on more than 100 different threshold standards in nine categories: Water Quality, Air Quality, Noise, Vegetation, Wildlife, Scenic Resources, Soil Conservation, Fisheries, and Recreation.

#### Draft Regional Plan and Draft Environmental Impact Statement

The Draft Regional Plan includes seven different elements, including Land Use, Transportation, and Implementation. The Draft Regional Plan also includes a proposed land use map that creates new land use categories for land under TRPA's jurisdiction.

Priorities for the Regional Plan Update are to accelerate water quality restoration and other ecological benefits by targeting environmental redevelopment opportunities, focus TRPA's resources more regionally with integrated local area planning and to simplify and streamline the permit review process. The Draft Environmental Impact Statement (EIS) evaluates five different alternatives for the Regional Plan.

The vast majority of the parcels in Douglas County will continue to have the same land use designations under the Draft TRPA Regional Plan. Two tables are provided below to show the land use designations under the existing TRPA Regional Plan as well as the Regional Plan Update for 2012.

**Land Use Designations for Douglas County Parcels under Existing TRPA Regional Plan**

TRPA Land Use	Parcels	Acreage
Conservation	215	13,434.58
Recreation	99	5,441.36
Residential	4,457	2,280.20
Commercial/Public Service	211	156.77
Tourist	12	108.23
<b>TOTAL</b>	<b>4,994</b>	<b>21,421.14</b>

**Proposed Land Use Designations for Douglas County Parcels under Draft TRPA Regional Plan (2012)**

TRPA Land Use	Parcels	Acreage	Note
Wilderness	N/A	N/A	New land use designation, no parcels designated in Douglas County
Backcountry	46	7,407.66	New land use designation which includes parcels formerly designated as Conservation
Conservation	253	8,223.47	
Recreation	64	3,353.94	
Residential	4,392	2,051.67	
Mixed-Use	227	276.17	Includes parcels now designated as Commercial/Public Service
Tourist	12	108.23	No changes
<b>TOTAL</b>	<b>4,994</b>	<b>21,421.14</b>	

In addition to the proposed land uses depicted above, the draft TRPA Land Use Map would include 2 overlay districts in Douglas County: 1) High Density Tourist District (Stateline) and 2) Town Center District (Kingsbury). The Draft TRPA Regional Land Use is attached.

Draft Regional Transportation Plan and Draft Environmental Impact Statement

The Draft Regional Transportation Plan includes the same goals and policies as the Transportation Element of the Draft Regional Plan and also includes the Sustainable Communities Strategy as a result of California State Bill (SB) 375. The Sustainable

Communities Strategy examines the relationship of transportation, land use, and housing and examines compliance with California's SB 375 greenhouse gas reduction targets.

### Draft Code of Ordinances

The Draft Code of Ordinances now includes the Phase I reorganization changes that took effect in March 2012 as well as new changes to several chapters based on the Draft Regional Plan. Chapter 13 of the Draft Code of Ordinances, which sets forth the proposed process for approval of new areas plans by local governments, is attached.

### Adoption Schedule

*May through June:* TRPA will be hosting two workshops on the documents on May 21<sup>st</sup> and May 22<sup>nd</sup> and the Governing Board will meet on May 23<sup>rd</sup> and 24<sup>th</sup> to hear public comments on the record.

The TRPA Governing Board has approved a 60 day public comment period on the Draft EISs for the Regional Plan Update and Regional Transportation Plan. This will require comments to be submitted no later than June 28<sup>th</sup>.

*July through October:* Final EISs will be released by TRPA on October 24. The Governing Board and the public will have seven (7) weeks to review the final EISs.

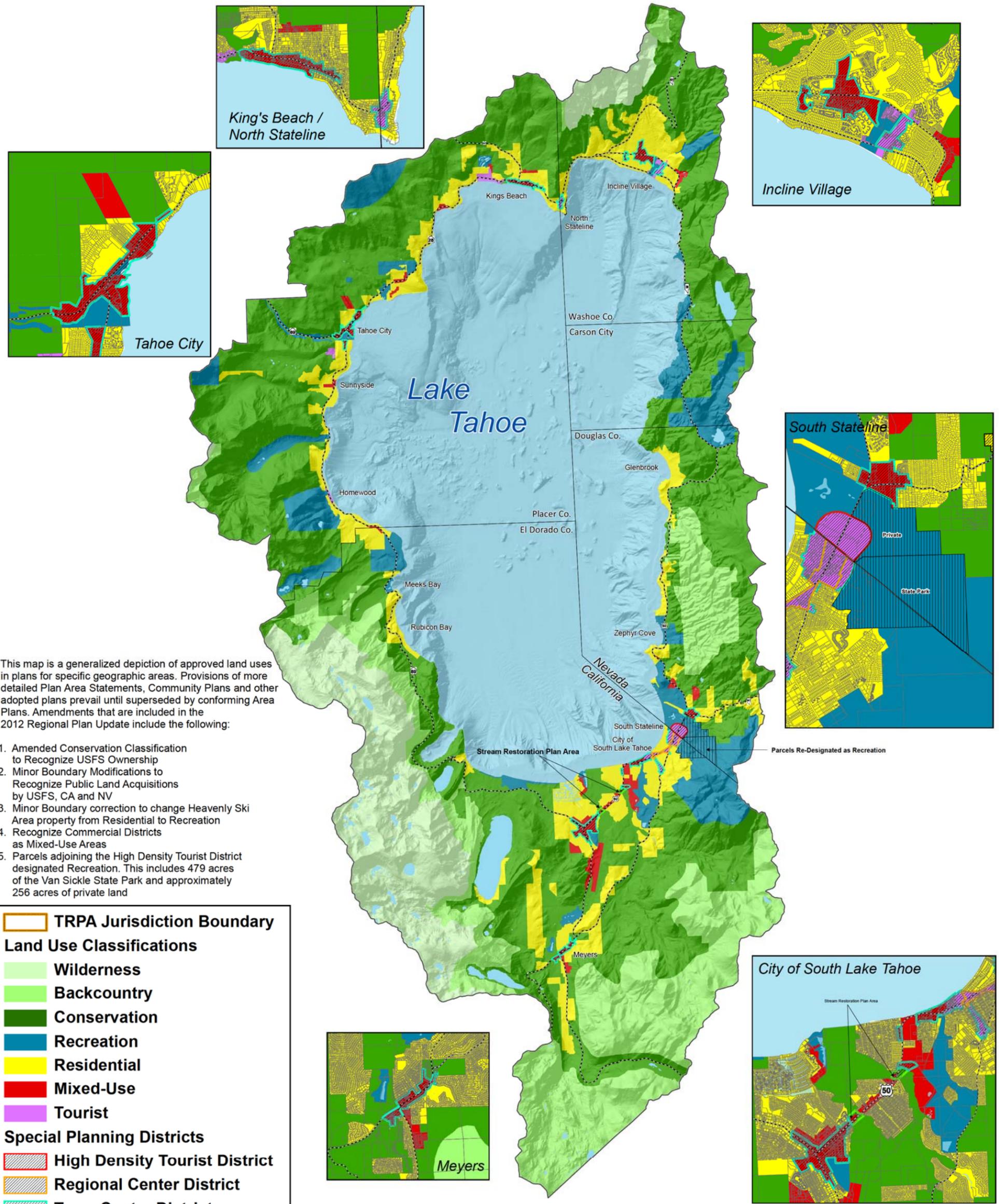
*November through December:* A public hearing on the Final EISs will be held at the November 14 Governing Board meeting. On December 12, the TRPA Governing Board will take final action and decide whether to certify the Final EISs and adopt the Regional Plan, Regional Transportation Plan, and Code of Ordinances.

### Douglas County Review

In order to submit comments to TRPA on the Draft Regional Plan, Draft Regional Transportation Plan, Draft Code of Ordinances, and the associated EISs, staff will prepare draft comments for review by the Planning Commission on June 8<sup>th</sup> and the Board of Commissioners on June 21<sup>st</sup>.

### Attachments

1. Draft TRPA Regional Land Use Map
2. Draft TRPA Code of Ordinances – Chapter 13



This map is a generalized depiction of approved land uses in plans for specific geographic areas. Provisions of more detailed Plan Area Statements, Community Plans and other adopted plans prevail until superseded by conforming Area Plans. Amendments that are included in the 2012 Regional Plan Update include the following:

1. Amended Conservation Classification to Recognize USFS Ownership
2. Minor Boundary Modifications to Recognize Public Land Acquisitions by USFS, CA and NV
3. Minor Boundary correction to change Heavenly Ski Area property from Residential to Recreation
4. Recognize Commercial Districts as Mixed-Use Areas
5. Parcels adjoining the High Density Tourist District designated Recreation. This includes 479 acres of the Van Sickle State Park and approximately 256 acres of private land

**TRPA Jurisdiction Boundary**

**Land Use Classifications**

- Wilderness
- Backcountry
- Conservation
- Recreation
- Residential
- Mixed-Use
- Tourist

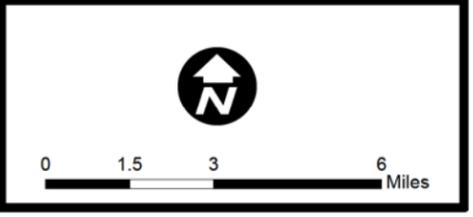
**Special Planning Districts**

- High Density Tourist District
- Regional Center District
- Town Center District
- Stream Restoration Plan Area

Note: Please refer to [www.trpa.org](http://www.trpa.org) for a higher resolution version of the map. See Land Use Policy LU-4.1 for Land Use Classification definitions.



**Map 1**  
**Conceptual Regional Land Use**  
 April 25, 2012





REGIONAL PLAN UPDATE COMMITTEE  
PUBLIC REVIEW DRAFT  
APRIL 25, 2012

# CODE OF ORDINANCES

TAHOE REGIONAL PLANNING AGENCY

|| *Lake Tahoe*



# CHAPTER 13: AREA PLANS

## Overview of Proposed New Chapter

- Based on the revised Goals and Policies, this chapter creates a new process by which local, state, federal, and tribal governments, including TRPA, may prepare Area Plans that conform with the Regional Plan. Following a determination of conformity, TRPA may transfer development review authority so that specified developments will be reviewed only by other governments under the Area Plans, rather than by TRPA under the Regional Plan. Through this program, TRPA would become more of a true “regional” agency that sets regional development goals and standards with less direct permitting of development. Rather, TRPA would serve primarily as an oversight agency to ensure local governments properly implement or “conform” to the Regional Plan. Large developments would continue to be reviewed directly by TRPA.
- The content of this chapter is intended to define the basic requirements and procedures of a Regional Plan “conformity” review process.
- The current content of Ch. 13: *Redevelopment Plans* has been deleted as obsolete. Other new code provisions encourage redevelopment in town centers, regional centers, and the High-Density Tourist District.

## 13.1. PURPOSE<sup>3</sup>

- 13.1.1. In order to be responsive to the unique circumstances of communities of the region, the Agency finds that there is mutually beneficial need to provide local, state, federal, and tribal governments with the option to prepare Area Plans, provided such Area Plans conform with and further the goals and policies of the Regional Plan.
- 13.1.2. This chapter defines the required content of Area Plans and establishes that Area Plans may be approved by TRPA if they contain policies and development ordinances that are consistent with and further the goals and policies of the Regional Plan. The development of Area Plans is intended to support the update and consolidation of planning documents in the region.
- 13.1.3. This chapter also establishes a conformity program that enables the Agency to transfer limited development permitting authority to local governments with conforming Area Plans. Furthermore, this conformity process defines which development activities will not have a substantial effect on the natural resources in the region and are thus exempt from TRPA review and approval, allowing such activities to be implemented through the terms and procedures of a conforming Area Plan. This program will enable TRPA to focus its resources on projects of regional concern, while still maintaining an active and effective oversight role in the implementation of all Area Plans to ensure that Area Plans and activities governed by Area Plans maintain conformity with the Regional Plan.

## 13.2. APPLICABILITY

All local governments in the region may prepare Area Plans pursuant to this chapter. This includes Carson City, Douglas, El Dorado, Placer, and Washoe counties, and the City of South Lake Tahoe. Any city located in the region that incorporates after the adoption of this Code may also prepare Area Plans pursuant to this chapter. TRPA and state, federal, and tribal governments in the region may prepare Area Plans pursuant to

<sup>3</sup> Text is based generally on proposed changes to LU-4.6 that address the general reasons and need for an Area Plan option.

this chapter. Quasi-governmental entities, such as service or utility districts, may not prepare Area Plans pursuant to this chapter.

### **13.3. RELATIONSHIP TO EXISTING REGULATIONS<sup>4</sup>**

- 13.3.1. All plans, policies, and regulations in the Regional Plan and this Code shall remain in effect unless superseded by the provisions of an Area Plan. The extent and nature of the superseded requirements of the TRPA Code shall be identified in the Area Plan.
- 13.3.2. No Area Plan may limit TRPA's responsibility to enforce the Compact and to ensure that approved Area Plans are maintained in full compliance with the Regional Plan.
- 13.3.3. A conforming Area Plan shall be considered a component of the Regional Plan.

### **13.4. DEVELOPMENT OF AREA PLANS<sup>5</sup>**

#### **13.4.1. Development of Area Plan is Optional**

A government may adopt an Area Plan with plans and development ordinances that supersede TRPA plans and ordinances if the Area Plan is found to be in conformance with the Regional Plan, in accordance with the requirements of this chapter. A government may adopt an Area Plan that applies to only a portion of the land area within its jurisdiction. Jurisdictions that do not adopt an Area Plan shall continue to be subject to all plans, policies, and regulations in the Regional Plan and this Code.

#### **13.4.2. Initial Statements of Intent to Develop an Area Plan<sup>6</sup>**

All local, state, federal, and tribal governments in the region shall provide TRPA written statements indicating their intent to prepare Area Plans and their anticipated schedule for completion of Area Plans. For TRPA planning purposes, initial statements of intent shall be provided to TRPA no later than December 31, 2013. This shall not preclude the earlier or subsequent development of additional or modified Area Plans, pursuant to this chapter. The TRPA Governing Board shall review the initial statements of intent and develop an action plan for incorporation into the annual TRPA work program by April 30, 2014. The action plan may include the replacement of plan area statements, community plans, and other plans with TRPA-approved Area Plans for properties that other governments do not include in their Area Plans.

### **13.5. CONTENTS OF AREA PLANS**

#### **13.5.1. General**

An Area Plan shall consist of applicable policies, maps, ordinances, and any other related materials identified by the lead agency, sufficient to demonstrate that these measures, together with TRPA ordinances that remain in effect, are consistent with and conform to TRPA's Goals and Policies and all other elements of the Regional Plan. In addition to this Section 13.5, additional specific requirements for the content of Area Plans are in subsection 13.6.5.A. The Memorandum of Understanding (MOU) that is

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<sup>4</sup> This section more broadly addresses the issue raised by the policy changes to LU-4.2, 4.3, and 4.4 that states that plan area statements, community plans, and master plans are in effect until superseded by an TRPA-approved Area Plan.

<sup>5</sup> Text is based, in part, on proposed changes to LU-4.11.

<sup>6</sup> Text is based on proposed changes to LU-4.5 regarding a statement of intent for Area Plans.

associated with an approved Area Plan is a separate, but related, approval and is not part of the Area Plan.

**13.5.2. Relationship to Other Sections of the Code**

This section is intended to authorize development and design standards in Area Plans that are different than otherwise required under this Code. In the event of a conflict between the requirements in this section and requirements in other parts of the Code, the requirements in this section shall apply for the purposes of developing Area Plans.

**13.5.3. Development and Community Design Standards for Area Plans**

**A. Minimum Development Standards<sup>7</sup>**

Area Plans shall have development standards that are consistent with those in the table below.

<b>TABLE 13.5.3-1: MINIMUM DEVELOPMENT STANDARDS FOR AREA PLANS</b>											
Regional Land Use Districts	Wilderness	Backcountry	Conservation	Recreation	Residential	Mixed-Use	Tourist	Town Center Overlay	Regional Center Overlay	High-Density Tourist District Overlay	
Height	N/A	Sec. 37.4				Sec. 37.4	Sec. 37.4	Up to 4 stories (56 ft) max. [1]	Up to 6 stories (95 ft) max. [1]	Up to 197' max. [1]	
Density SFD	Sec. 31.3										
Density MFD	N/A	Sec. 31.3			[2] Sec. 31.3		With adoption of an Area Plan: - Residential: 25 units/acre (max.) - Tourist: 40 units/acre (max.)				
Land Coverage	Sec. 30.4 or Alternative Comprehensive Coverage Management System [See 13.5.3.B.1]										
Complete Streets	Sec. 36.5							[3]			
<p>[1] With adoption of an Area Plan, including special provisions to ensure compatibility with adjacent uses and viewshed protection.</p> <p>[2] Except Area Plans may identify higher-density areas adjacent to town centers, regional centers, and the High-Density Tourist District and in other areas permitted by the Regional Plan.</p> <p>[3] Plan for sidewalks, trails, and other pedestrian amenities providing safe and convenient non-motorized circulation within the town center, regional center, High-Density Tourist District, as applicable, and incorporating the Regional Bike and Pedestrian Plan.</p>											

<sup>7</sup> In addition to implementing the proposed changes to LU-4, this table incorporates proposed changes to CD-2.1 that allow greater height limits in town centers, regional centers, and High-Density Tourist Centers than permitted outside such areas.

**B. Alternative Development Standards and Guidelines Authorized in Area Plans**

**1. Alternative Comprehensive Coverage Management Systems<sup>8</sup>**

An Area Plan may propose a comprehensive coverage management system as an alternative to the parcel-level coverage requirements outlined in Sections 30.4.1 and 30.4.2, provided that the alternative system shall: 1) reduce the total coverage and not increase the cumulative base allowable coverage in the area covered by the comprehensive coverage management system, and 2) reduce the total amount of coverage and not increase the cumulative base allowable coverage in Land Capability Districts 1 and 2. For purposes of this provision, "total" coverage is the greater of existing or allowed coverage. See also Section 1.1.1: *Land Coverage Requirements for Conforming Area Plans*.

**Alternative Comprehensive Management System: Process for Establishing Maximum Coverage**

**Step 1 – Document coverage information for each parcel in the coverage management area.**

- A. Document base allowable land coverage (Sec. 30.4.1).
- B. Document maximum allowable land coverage (Sec. 30.4.2).
- C. Document TRPA verified existing land coverage (Sec. 30.3).
- D. Document total allowable land coverage — greater of B or C.
- E. If a parcel contains Land Capability District 1 or 2, calculate A–D separately for each LCD.

**Step 2 – Calculate base allowable coverage and total allowable coverage for the management area.**

- A. Calculate base allowable land coverage for management area (total of answer 1A for all parcels).
- B. Calculate base allowable land coverage for Land Capability Districts 1 and 2 (total of answer 1A for districts 1 & 2).
- C. Calculate total allowable land coverage for management area (total of answer 1D for all parcels).
- D. Calculate total allowable land coverage for Land Capability Districts 1 and 2 (total of answer 1D for districts 1 & 2).

**Step 3 – Demonstrate that coverage limitations for the management area are consistent with Code requirements (Sec. 13.5.3.B.1).**

- A. Base allowable land coverage for the management area shall not exceed answer 2A.
- B. Base allowable land coverage for Land Capability Districts 1 and 2 shall not exceed answer 2B.
- C. Total allowable land coverage for the management area shall be less than answer 2C.
- D. Total allowable land coverage for Land Capability Districts 1 and 2 shall be less than answer 2D.
- E. Total allowable land coverage shall not exceed 70%.

**Final Requirement:** Coverage Management System shall comply with items A-E.

<sup>8</sup> Text is based on proposed changes to LU-2.14, specifically subsection I.

**2. Alternative Parking Strategies<sup>9</sup>**

Shared or area-wide parking strategies are encouraged in Area Plans to reduce land coverage and make more efficient use of land for parking and pedestrian uses. Shared parking strategies may consider and include the following:

- a. Reduction or relaxation of minimum parking standards;
- b. Creation of maximum parking standards;
- c. Shared parking;
- d. In-lieu payment to meet parking requirements;
- e. On-street parking;
- f. Parking along major regional travel routes;
- g. Creation of bicycle parking standards;
- h. Free or discounted transit;
- i. Deeply discounted transit passes for community residents; and
- j. Paid parking management.

**3. Area-wide Water Quality Treatments and Funding Mechanisms<sup>10</sup>**

An Area Plan may propose to establish area-wide water quality treatments and funding mechanisms in lieu of certain site-specific BMPs, subject to the following requirements:

- a. Area-wide BMPs shall be shown to achieve equal or greater effectiveness and efficiency at achieving water quality benefits to certain site-specific BMPs and must infiltrate the 20-year, one-hour storm;
- b. Plans should be developed in coordination with TRPA and applicable state agencies, consistent with applicable TMDL requirements;
- c. Area-wide BMP project areas shall be identified in Area Plans and shall address both installation and ongoing maintenance;
- d. Strong consideration shall be given to areas connected to surface waters;
- e. Area-wide BMP plans shall consider area-wide and parcel-level BMP requirements as an integrated system; and
- f. Consideration shall be given to properties that have already installed and maintained parcel-level BMPs, and financing components of area-wide BMP plans shall reflect prior BMP installation in terms of the charges levied against projects that already complied with BMP requirements with systems that are in place and operational.

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<sup>9</sup> Text is based on IM T-8 that addresses changes to T-8.1 to 8.3.

<sup>10</sup> Text is based on WQ-3 IMs associated with policies WQ-3.11 and WQ-3.12 approved on January 31, 2012.

**4. Alternative Transfer Ratios for Development Rights<sup>11</sup>**

An Area Plan may propose to establish alternative transfer ratios for development rights based on unique conditions in each jurisdiction, as long as the alternative transfer ratios are determined to generate equal or greater environmental gain compared to the TRPA transfer ratios set forth in Chapter 51: *Transfer of Development*.

**C. Development Standards and Guidelines Encouraged in Area Plans**

**1. Urban Bear Strategy<sup>12</sup>**

In Area Plans, lead agencies are encouraged to develop and enforce urban bear strategies to address the use of bear-resistant solid waste facilities and related matters.

**2. Urban Forestry<sup>13</sup>**

In Area Plans, lead agencies are encouraged to develop and enforce urban forestry strategies that seeks to reestablish natural forest conditions in a manner that does not increase the risk of catastrophic wildfire.

**3. Development and Subdivision of Tourist, Commercial, and Residential Uses<sup>14</sup>**

An Area Plan may allow the development and subdivision of tourist, commercial, and residential uses in the Recreation District outside the Urban Area if found in conformance with the Regional Plan.

**D. Community Design Standards<sup>15</sup>**

To be found in conformance with the Regional Plan, Area Plans shall require that all projects comply with the design standards in this subsection. Area Plans may also include additional or substitute requirements not listed below that promote threshold attainment.

**1. Site Design**

All new development shall consider site design that includes, at a minimum:

- a. Existing natural features retained and incorporated into the site design;
- b. Building placement and design that are compatible with adjacent properties and designed in consideration of solar exposure, climate, noise, safety, fire protection, and privacy;
- c. Site planning that includes a drainage, infiltration, and grading plan meeting water quality standards; and
- d. Access, parking, and circulation that are logical, safe, and meet the requirements of the transportation element.

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<sup>11</sup> Text is based on IM LU-3 for transfer ratios approved January 10, 2012.

<sup>12</sup> Text is based on policy changes to WL 1.5.

<sup>13</sup> Text is based on policy changes to V 1.11.

<sup>14</sup> Text is based on an implementation measure that addresses changes to LU-3.

<sup>15</sup> The standards in this subsection are taken from the proposed changes to CD-2.1. Note that there is a mix of “shall” (mandatory standards) and “shoulds” (voluntary guidelines) for individual project design.

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**CHAPTER 13: AREA PLANS**

13.5 Contents of Area Plans

13.5.3 Development and Community Design Standards for Area Plans

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**2. Building Height**

- a. Area Plans may allow building heights up to the maximum limits in Table 13.5.3-1 above.
- b. Building height limits shall be established to ensure that buildings do not project above the forest canopy, ridge lines, or otherwise detract from the viewshed.
- c. Area Plans that allow buildings over two stories in height shall, where feasible, include provisions for transitional height limits or other buffer areas adjacent to areas not allowing buildings over two stories in height.

**3. Building Design**

Standards shall be adopted to ensure attractive and compatible development. The following shall be considered:

- a. Buffer requirements should be established for noise, snow removal, aesthetic, and environmental purposes.
- b. The scale of structures should be compatible with existing and planned land uses in the area.
- c. Viewsheds should be considered in all new construction. Emphasis should be placed on lake views from major transportation corridors.
- d. Area Plans shall include design standards for building design and form. Within town centers, regional centers, and the High-Density Tourist District, building design and form standards shall promote pedestrian activity.

**4. Landscaping**

The following should be considered with respect to this design component of a project:

- a. Native vegetation should be utilized whenever possible, consistent with Fire Defensible Space Requirements.
- b. Vegetation should be used to screen parking, alleviate long strips of parking space, and accommodate stormwater runoff where feasible.
- c. Vegetation should be used to give privacy, reduce glare and heat, deflect wind, muffle noise, prevent erosion, and soften the line of architecture where feasible.

**5. Lighting**

Lighting increases the operational efficiency of a site. In determining the lighting for a project, the following should be required:

- a. Exterior lighting should be minimized to protect dark sky views, yet adequate to provide for public safety, and should be consistent with the architectural design.
- b. Exterior lighting should utilize cutoff shields that extend below the lighting element to minimize light pollution and stray light.

## CHAPTER 13: AREA PLANS

### 13.6 Conformity Review Procedures for Area Plans 13.6.1 Initiation of Area Planning Process by Lead Agency

- c. Overall levels should be compatible with the neighborhood light level. Emphasis should be placed on a few, well-placed, low-intensity lights.
  - d. Lights should not blink, flash, or change intensity except for temporary public safety signs.
- 6. Signing**
- a. Area Plans may include alternative sign standards. For Area Plans to be found in conformance with the Regional Plan, the Area Plan shall demonstrate that the sign standards will minimize and mitigate significant scenic impacts and move toward attainment or achieve the adopted scenic thresholds for the Lake Tahoe region.
  - b. In the absence of a conforming Area Plan that addresses sign standards, the following policies apply, along with implementing ordinances:
    - (i) Off-premise signs should generally be prohibited; way-finding and directional signage may be considered where scenic impacts are minimized and mitigated;
    - (ii) Signs should be incorporated into building design;
    - (iii) When possible, signs should be consolidated into clusters to avoid clutter;
    - (iv) Signage should be attached to buildings when possible; and
    - (v) Standards for number, size, height, lighting, square footage, and similar characteristics for on-premise signs shall be formulated and shall be consistent with the land uses permitted in each district.

## 13.6. CONFORMITY REVIEW PROCEDURES FOR AREA PLANS

### 13.6.1. Initiation of Area Planning Process by Lead Agency

The development of an Area Plan shall be initiated by a designated lead agency. The lead agency may be TRPA or a local, state, federal, or tribal government. There may be only one lead agency for each Area Plan.

### 13.6.2. Initial Approval of Area Plan by Lead Agency<sup>16</sup>

#### A. When TRPA is Not the Lead Agency

If the lead agency is not TRPA, then the Area Plan shall be approved by the lead agency prior to TRPA's review of the Area Plan for conformance with the Regional Plan under this section. In reviewing and approving an Area Plan, the lead agency shall follow its own review procedures for plan amendments. At a minimum, Area Plans shall be prepared in coordination with local residents, stakeholders, public agencies with jurisdictional authority within the proposed Area Plan boundaries, and TRPA staff.

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<sup>16</sup> Text is based on proposed changes to LU-4.6 regarding the local adoption process for Area Plans.

**CHAPTER 13: AREA PLANS**

13.6 Conformity Review Procedures for Area Plans  
13.6.3 Review by Advisory Planning Commission

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**B. When TRPA is the Lead Agency**

If the lead agency is TRPA, the Area Plan shall require conformity approval under this section by TRPA only. No approval by any other government, such as a local government, shall be required.

**13.6.3. Review by Advisory Planning Commission**

The TRPA Advisory Planning Commission shall review the proposed Area Plan and make recommendations to the TRPA Governing Board. The commission shall obtain and consider the recommendations and comments of the local government(s) and other responsible public agencies, as applicable.

**13.6.4. Approval of Area Plan by TRPA<sup>17</sup>**

For Area Plans initiated and approved by a lead agency other than TRPA, the Area Plan shall be submitted to and reviewed by the TRPA Governing Board at a public hearing. Public comment shall be limited to consideration of issues raised by the public before the Advisory Planning Commission and issues raised by the Governing Board. 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. This finding shall be referred to as a finding of conformance and shall be subject to the same voting requirements as approval of a Regional Plan amendment.

**13.6.5. Findings of Conformance with the Regional Plan**

In making the general finding of conformance, the TRPA Governing Board shall make the general findings applicable to all amendments to the Regional Plan and code set forth in Sections 4.5 and 4.6,<sup>18</sup> and also the following specific review standards:

**A. General Review Standards for All Area Plans<sup>19</sup>**

The submitted Area Plan shall:

1. Identify all zoning designations, allowed land uses, and development standards throughout the plan area;
2. Be consistent with all applicable Regional Plan Policies, including but not limited to the regional growth management system, development allocations and coverage requirements;
3. Demonstrate how the Area Plan is consistent with the Conceptual Regional Land Use Map, including any amendments to the Conceptual Regional Land Use Map that are proposed to be part of the Area Plan in order to more effectively implement the Regional Plan Policies and provide Threshold gain;
4. Recognize and support planned, new, or enhanced Environmental Improvement Projects. Area Plans may also recommend enhancements to planned, new, or enhanced Environmental Improvement Projects as

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<sup>17</sup> Text is based on proposed changes to LU-4.7 regarding the Governing Board's procedure for approving Area Plans.

<sup>18</sup> This introductory text is intended to make clear that the Governing Board still has to make the general findings for approving a project and/or amendments to the Regional Plan.

<sup>19</sup> Text is based on proposed changes to LU-4.8 regarding the general criteria for conformance review of Area Plans.

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## CHAPTER 13: AREA PLANS

### 13.6 Conformity Review Procedures for Area Plans 13.6.5 Findings of Conformance with the Regional Plan

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part of an integrated plan to comply with Regional Plan Policies and provide Threshold gain;

5. Promote environmentally beneficial redevelopment and revitalization within town centers, regional centers, and the High-Density Tourist District;
6. Preserve the character of established residential areas outside of town centers, regional centers, and the High-Density Tourist District, while seeking opportunities for environmental improvements within residential areas;
7. Protect and direct development away from Stream Environment Zones and other sensitive areas, while seeking opportunities for environmental improvements within sensitive areas. Development may be allowed in Disturbed Stream Environment zones within town centers, regional centers, and the High-Density Tourist District only if allowed development reduces coverage and enhances natural systems within the Stream Environment Zone; and
8. Identify facilities and implementation measures to enhance pedestrian, bicycling and transit opportunities along with other opportunities to reduce automobile dependency.

#### **B. Additional Review Standards for Area Plans with Town Centers or Regional Centers<sup>20</sup>**

In addition to the requirements of subparagraph A above, submitted Area Plans that contain town centers or regional centers shall include policies, ordinances, and other implementation measures to:

1. Include building and site design standards that reflect the unique character of each area, respond to local design issues, and consider ridgeline and viewshed protection;
2. Promote walking, bicycling, transit use, and shared parking in town centers and regional centers, which at a minimum shall include continuous sidewalks or other pedestrian paths and bicycle facilities along both sides of all highways within town centers and regional centers, and to other major activity centers;
3. Use standards within town centers or regional centers addressing the form of development and requiring that projects promote pedestrian activity and transit use;
4. Ensure adequate capacity for redevelopment and transfers of development rights into town centers and regional centers;
5. Identify an integrated community strategy for coverage reduction and enhanced stormwater management; and

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<sup>20</sup> Text is based on proposed changes to LU-4.9 regarding specific criteria for conformance review of certain Area Plans.

## CHAPTER 13: AREA PLANS

### 13.6 Conformity Review Procedures for Area Plans 13.6.6 Conformity Review for Amendments to Area Plans

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6. Demonstrate that all development activity within town centers and regional centers will provide or not interfere with Threshold gain, including but not limited to measurable improvements in water quality.

#### C. **Additional Review Standards for Area Plans within the High-Density Tourist District**<sup>21</sup>

In addition to the requirements of subparagraph A above, submitted Area Plans that contain the High-Density Tourist District shall include policies, ordinances, and other implementation measures to:

1. Include building and site design standards that substantially enhance the appearance of existing buildings in the High-Density Tourist District;
2. Provide pedestrian, bicycle and transit facilities connecting the High-Density Tourist District with other regional attractions; and
3. Demonstrate that all development activity within the High-Density Tourist District will provide or not interfere with Threshold gain, including but not limited to measurable improvements in water quality. If necessary to achieve Threshold gain, off-site improvements may be additionally required.

#### 13.6.6. **Conformity Review for Amendments to Area Plans**<sup>22</sup>

Following approval of an Area Plan, any subsequent amendment to a plan or ordinance contained within the approved Area Plan shall be reviewed by the Advisory Planning Commission and Governing Board for conformity with the requirements of the Regional Plan. Public comment before the Governing Board shall be limited to consideration of issues raised before the Advisory Planning Commission and issues raised by the Governing Board. The Governing Board shall make the same findings as required for the conformity finding of the initial Area Plan, as provided in subsection 13.6.5; however, the scope of the APC and Governing Board's review shall be limited to determining the conformity of the specific amendment only. If the Governing Board finds that the amendment to the Area Plan does not conform to the Regional Plan, including after any changes made in response to TRPA comments, the amendment shall not become part of the approved Area Plan.

#### 13.6.7. **Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan**<sup>23</sup>

- A. TRPA shall provide lead agencies with reasonable notice of pending amendments that may affect Area Plans. TRPA also shall provide lead agencies with notice of Area Plan topics that may require amendment following adopted Regional Plan amendments pursuant to this section.
- B. If TRPA approves an amendment to the Regional Plan that would also require amendment of an Area Plan to maintain conformity, the lead agency shall be given one year to amend the Area Plan to demonstrate conformity with the

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<sup>21</sup> Text is based on proposed changes to LU-4.10 regarding specific criteria for conformance review of certain Area Plans.

<sup>22</sup> This section recognizes that governments will be amending Area Plans over time and that there needs to be a process by which TRPA monitors such changes to ensure that conformance with the Regional Plan is maintained. Is there an opportunity for distinguishing major and minor plan amendments (with the latter perhaps going on a consent agenda)?

<sup>23</sup> Similar to the previous section, this address the process for maintaining Area Plan conformity when TRPA makes changes to the Regional Plan that need to be reflected in the Area Plans as well.

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**CHAPTER 13: AREA PLANS**

13.7 Procedures for Adoption of Memorandum of Understanding  
13.6.8 Effect of Finding of Conformance of Area Plan

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TRPA amendment. The Governing Board shall make the same findings as required for the conformity finding of the initial Area Plan, as provided in subsection 13.6.5; however, the scope of the Governing Board’s review shall be limited to determining the conformity of only those amendments made by the lead agency to conform to the TRPA amendment. If the Governing Board finds that the other government fails to demonstrate conformity with the TRPA amendment following the one-year deadline, then the Board shall identify the policies and/or zoning provisions in the Area Plan that are inconsistent and assume lead agency authority to amend those policies and provisions.

**13.6.8. Effect of Finding of Conformance of Area Plan**

By finding that an Area Plan conforms with the Regional Plan pursuant to the requirements of this chapter and upon adoption of an MOU pursuant to Section 13.7, the Area Plan shall serve as the standards and procedures for implementation of the Regional Plan. The standards and procedures within each Area Plan shall be considered and approved individually and shall not set precedent for other Area Plans.

**13.7. PROCEDURES FOR ADOPTION OF MEMORANDUM OF UNDERSTANDING**

**13.7.1. Memorandum of Understanding (MOU) Required**

After TRPA finds that an Area Plan is in conformance with the Regional Plan, TRPA and the lead agency shall enter into a Memorandum of Understanding (MOU) that clearly specifies the extent to which the activities within the Area Plan are exempt from TRPA review and approval, and describes all procedures and responsibilities to ensure effective implementation of the Area Plan. Concurrent review of the Area Plan and the MOU is encouraged.

**13.7.2. Contents of MOU<sup>24</sup>**

An MOU for an Area Plan shall contain, at minimum, the following elements:

- A.** A comprehensive statement of the type and size of all activities within the Area Plan that are exempt from TRPA review and approval, as well as a clear statement defining the projects over which TRPA will retain development review responsibility;
- B.** Identification of the types of proposed activities for which TRPA will receive notification pursuant to subsection 13.8.1;
- C.** Identification of the type and extent of procedures the lead agency government will use to notify TRPA of proposed local development activities and include TRPA in development review proceedings;
- D.** A description of how the Area Plan will be modified to reflect amendments by TRPA to the Regional Plan, as well as assurances to enforce and maintain conformance with the Regional Plan amendments prior to amendment of the Area Plan;
- E.** Statement of how the MOU for the Area Plan will relate to any existing MOUs that the lead agency government has with TRPA; and

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<sup>24</sup> The requirements of this section are a mix of new text and modifications to new text proposed to LU-4.

**CHAPTER 13: AREA PLANS**

13.7 Procedures for Adoption of Memorandum of Understanding  
13.7.3 Activities Requiring TRPA Approval

- F. If necessary, additional clarification of any requirements of this chapter, provided that all such clarifications are consistent with the intent and substance of this chapter and the Regional Plan.

**13.7.3. Activities Requiring TRPA Approval<sup>25</sup>**

Projects and matters that meet one of the following criteria and that are also identified in Section 2.2.2 as requiring approval by the Governing Board or Hearings Officer shall not be exempt from TRPA review and approval in Area Plans:

- A. Located within the High-Density Tourist District;
- B. Located within the Shorezone of Lake Tahoe;
- C. Located within the Conservation District; and
- D. Any new building floor area meeting the criteria in the following table:

<b>TABLE 13.7.3 -1: THRESHOLDS FOR GOVERNING BOARD REVIEW OF PROJECTS IN CENTERS</b>			
<b>(All measurements are new building floor area.)</b>			
	<b>Regional Center</b>	<b>Town Center</b>	<b>Not in Center</b>
<b>Residential</b>	≥ 200,000 sq. ft.	≥ 100,000 sq. ft.	≥ 50,000 sq. ft.
<b>Non-residential</b>	≥ 100,000 sq. ft.	≥ 50,000 sq. ft.	≥ 25,000 sq. ft.

**13.7.4. Concurrent Review of Area Plan and MOU<sup>26</sup>**

By agreement between TRPA and the lead agency, the Area Plan and associated MOU may be reviewed concurrently at a single meeting, or sequentially at separate meetings. In all cases, the Area Plan and the MOU shall receive separate votes from the Governing Board based on the applicable criteria in this chapter. In all cases, the Area Plan shall be approved first, followed by approval of the MOU. Activities that are exempt from TRPA review shall be prescribed by ordinance immediately following MOU approval.

**13.7.5. Deadline for MOU Approval and Suspension**

TRPA shall work with the lead agency and make a good-faith effort to finalize the MOU in a timely manner. An MOU between TRPA and the lead agency shall be completed within six months of the Governing Board’s finding of conformity of the Area Plan. Reasonable time extensions beyond six months may be approved by TRPA for good-faith cause. An approval of an Area Plan that does not receive MOU approval within the required six-month period, including any approved time extensions, shall be suspended and have no effect for purposes of this Code. Suspended Area Plans may be resubmitted for approval by administrative action if the Area Plan has not been amended since Governing Board approval.

<sup>25</sup> Text is based on proposed changes to LU-4.12 regarding limits on the transfer of permit authority to other governments.

<sup>26</sup> These final three subsections are based on proposed changes to Land Use policies and discussions with staff. Further discussion is needed.

**CHAPTER 13: AREA PLANS**

13.8 Monitoring, Certification, and Enforcement of Area Plan

13.8.1 Notification to TRPA of Proposed Activities Requiring Public Notification in Area Plans

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**13.8. MONITORING, CERTIFICATION, AND ENFORCEMENT OF AREA PLAN<sup>27</sup>**

**13.8.1. Notification to TRPA of Proposed Activities Requiring Public Notification in Area Plans**

Lead agencies with approved Area Plans shall send to TRPA notice of all proposed activities that require public notification as specified in the MOU, and all applications to amend a policy or ordinance that is part of the Area Plan. The notice shall be sent pursuant to local notification procedures; however, in all cases the notice shall be sent in no less than 10 days prior to the hearing in order to provide TRPA with adequate time to review and comment, if desired, on the project.

**13.8.2. Monitoring**

On at least a quarterly basis, lead agencies with approved Area Plans shall send to TRPA copies of all building permits issued in the Area Plan area. At minimum, such building permits shall contain and make clear the necessary development information that TRPA needs to measure compliance with the terms of the Area Plan, such as additional land coverage, commercial floor area, residential units, or tourist accommodation units (TAUs).

**13.8.3. Annual Review**

TRPA shall annually select and review a sample of development permits issued within each Area Plan area in order to certify that the permits are issued in conformance with the Area Plan. The scope of this review is limited to determining the conformity of the sample developments to the Area Plan and shall not include a reconsideration of the conformity of the Area Plan to the Regional Plan. If TRPA determines that certain local development permits were issued in apparent conflict with the Area Plan, it shall notify the lead agency in writing of all specific discrepancies,<sup>28</sup> including recommendations for remedying the discrepancies. The lead agency shall have thirty days to provide comments and suggest corrective actions, if necessary. After review of the comments, if any, from the lead agency, TRPA shall follow one of the procedures below.

**13.8.4. Effect of Annual Review; Annual Report**

**A. Certification**

If, based on its review of sample permits, including any responses and remedies already implemented by the lead agency, the Governing Board determines that development has been permitted in conformance with the Area Plan, then it shall certify that the permits are being issued in conformance with the Area Plan.

**B. Certification Conditionally Granted**

In response to TRPA comments in the annual review, the lead agency may identify corrective actions that are necessary to ensure that permits are being issued in conformance with the Area Plan. The lead agency shall have a maximum of six months to complete the identified corrective actions and provide a written response to TRPA. If TRPA determines that the lead agency

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<sup>27</sup> Text is based on proposed changes to LU-4.12 regarding maintaining conformance of Area Plans and on the staff report regarding this topic.

<sup>28</sup> The language here has been changed from “nonconformities” to “discrepancies” because the former already has a different meaning in the Code.

**CHAPTER 13: AREA PLANS**

13.8 Monitoring, Certification, and Enforcement of Area Plan

13.8.4 Effect of Annual Review; Annual Report

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has either failed to respond or has failed to respond adequately to the issues identified in the annual review, then TRPA shall take action pursuant to subparagraph C below.

**C. Revocation of Part or All of MOU**

If the Governing Board determines that development is not being permitted in conformance with an Area Plan, the Board shall revoke all or part of the implementation authority transferred to the lead agency government in the MOU and related ordinances. After this revocation, TRPA shall assume primary permitting responsibility for the activities related to the revoked items in the MOU.