



**Mail**  
PO Box 5310  
Stateline, NV 89449-5310

**Location**  
128 Market Street  
Stateline, NV 89449

**Contact**  
Phone: 775-588-4547  
Fax: 775-588-4527  
www.trpa.org

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## STAFF REPORT

Date: April 17, 2019

To: TRPA Governing Board

From: TRPA Staff

Subject: Distribution of Residential Allocations to Local Jurisdictions (City of South Lake Tahoe, El Dorado County, Placer County, Douglas County, and Washoe County) in the Tahoe Region for 2019 and 2020

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### Summary and Staff Recommendation:

In the Tahoe Region, residential allocations are distributed to local jurisdictions every two years from the total number of allocations released every four years by the Tahoe Regional Planning Agency (TRPA). Distribution to the local jurisdictions is based on the Performance Review System which takes into account residential permit review and code compliance and Total Maximum Daily Load (TMDL) implementation (TRPA Code, Section 50.5). Based on the Performance Review Committee and Advisory Planning Commission recommendations, staff recommends that the Governing Board adopt the attached Resolution approving the proposed distribution of 2019 and 2020 residential allocations<sup>1</sup>.

### Required Motions:

In order to approve the proposed residential allocation distribution, the Governing Board must make the following motions, based on this staff report and the evidence in the record:

- 1) A motion that the proposed distribution of residential allocations for the 2019 and 2020 meets the requirements of Chapter 50, Section 50.5: *Allocation of Additional Residential Units* of the TRPA Code of Ordinances; and
- 2) A motion to adopt the attached Resolution (see Attachment A).

In order for the motions to pass, an affirmative vote of any eight Board members is required.

### Performance Review Committee Recommendation:

On January 30, 2019, the Performance Review Committee (PRC), comprised of staff from each participating local jurisdiction and the TRPA, reviewed the Performance Review System results for 2017

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<sup>1</sup>Pursuant to TRPA Code 50.5.2.A.1, TRPA will reserve 10% of each jurisdiction's annual allocations for distribution to parcels below the Individual Parcel Evaluation System (IPES) line. Parcels with an IPES score below the IPES line are not eligible for development. Local jurisdictions that provide an equal or superior opportunity for the owners of parcels with IPES scores below the respective buildable line to receive allocation will not be subject to this set aside.

and 2018 and TMDL implementation and voted unanimously to recommend distribution of residential allocations for 2019 and 2020 to the local jurisdictions as set forth in this staff report.

Advisory Planning Commission Recommendation:

On March 13, 2019, the Advisory Planning Commission (APC) reviewed the PRC recommendation and voted to recommend to the Governing Board the distribution of residential allocations for 2019 and 2020 to the local jurisdictions as set forth in this staff report.

Governing Board & Local Government and Housing Committee:

On February 27, 2019, the Governing Board received a presentation on housing, which included information on short term rentals (STRs), and directed the Local Government and Housing Committee to begin developing policy recommendations related to housing and STRs. On March 27, 2019, the Committee discussed the use of allocations for STRs and voted to continue the item until the April 24, 2019, meeting. In response, the Governing Board also voted to continue this item to the April 24, 2019, meeting.

Residential Audits:

In 2017 and 2018, TRPA staff completed residential project review and code compliance audits for each jurisdiction (City of South Lake Tahoe, Douglas County, El Dorado County, Placer County, and Washoe County), as required by TRPA Code of Ordinances Section 50.5.2.E. The purpose of these audits is to (1) ensure residential projects reviewed and inspected by Memorandum of Understanding (MOU) partners on behalf of TRPA comply with the TRPA Code and Rules of Procedure, (2) identify project review training and education opportunities for MOU partners, and (3) provide the PRC with a summary of MOU performance for the distribution of residential allocations.

The 2017 and 2018 Audit Results are provided below. Local jurisdictions were provided initial audit results in December 2017 and 2018 and provided an opportunity to work with TRPA to address comments. In jurisdictions without an active MOU, permits issued by TRPA were audited. Overall, MOU partners did an exceptional job completing TRPA environmental review, ensuring project files were complete and well organized, and completing inspections.

<b>Table 1: 2017 &amp; 2018 MOU Residential Project &amp; Compliance Review Audits</b>						
<b>Jurisdiction</b>	<b>2017</b>			<b>2018</b>		
	<b>Project Review</b>	<b>Compliance</b>	<b>Average</b>	<b>Project Review</b>	<b>Compliance</b>	<b>Average</b>
City of South Lake Tahoe	96%	95%	96%	97%	94%	96%
Douglas County	97%	93%	95%	99%	94%	97%
El Dorado County	98%	94%	96%	95%	95%	95%
Placer County	99%	91%	95%	93%	91%	92%
Washoe County	88%	86%	87%	87%	91%	89%

As part of the audit, TRPA identified potential training and educational opportunities the Agency could facilitate in collaboration with local jurisdictional partners to ensure successful delegation. In response, TRPA held a 3-Day TRPA Permit Review Training in December 2018 for all MOU partners and has offered to provide additional trainings in the future.

### TMDL Implementation:

The City of South Lake Tahoe, El Dorado County, and Placer County have worked with the Lahontan Regional Water Quality Control Board (LRWQCB) to demonstrate compliance with all Municipal Storm Water Permit requirements, including Lake Clarity Credit elements. Water Board staff have reviewed and approved submitted Lake Clarity Credit registration information describing pollutant load reduction improvements and maintenance actions. All three California jurisdictions are in compliance with applicable requirements and have documented pollutant load reduction efforts to meet applicable Lake Tahoe TMDL targets. Similarly, Douglas County and Washoe County have performed satisfactorily in terms of conformance with their TMDL implementation obligations as specified in their respective Interlocal Agreements and therefore the Nevada Division of Environmental Protection (NDEP) supports TRPA's finding of conformance with TMDL Implementation.<sup>2</sup>

### Level of Service and Vehicle Miles Traveled Monitoring/Analysis:

Pursuant to TRPA Code, Sections 50.4.2 and 50.4.3, two years after each release of allocations, TRPA shall monitor existing and near-term Level of Service (LOS) to evaluate compliance with applicable LOS policies. Should LOS projections indicate that applicable LOS policies will not be met, TRPA shall take action to maintain compliance with LOS standards. TRPA shall also monitor Vehicle Miles Traveled (VMT) and only release allocations upon demonstrating, through modeling and the use of actual traffic counts, that the VMT Threshold Standard shall be maintained over the subsequent four-year period.

The last release of allocations was in 2017. At that time, LOS and VMT were evaluated in the *Linking Tahoe: Regional Transportation Plan and Sustainable Communities Strategy Initial Study/Mitigated Negative Declaration/Initial Environmental Checklist/Finding of No Significant Effect (RTPSCS IS/MND/IEC/FONSE)*, dated February 22, 2017. The analysis found that LOS would become unacceptable in some locations by 2040, but that the monitoring and responsive measures required under mitigation presented in the 2012 Regional Plan EIS and the 2017 RTPSC SIS/MND/IEC/FONSE would ensure compliance with LOS policies. The analysis also found that VMT is currently in Threshold Standard attainment and would be for the subsequent four-year period, and that mitigation presented in the 2012 Regional Plan EIS would adequately address future increases in VMT. The next VMT and LOS analysis is scheduled to coincide with the 2021 allocations release/distribution process.

### 2017 and 2018 Performance Review System Results:

Douglas County – Base number of residential allocations is 10 per year.

- TMDL Implementation: Douglas County was awarded 67 credits. The County's target in their Interlocal Agreement (ILA) for the 2018 Water Year is 41.
- 2017 Permit Monitoring and Compliance: Douglas County scored 97% on the project review portion of the performance audit and scored 93% on the compliance portion.
- 2018 Permit Monitoring and Compliance: Douglas County scored 99% on the project review portion of the performance audit and scored 94% on the compliance portion.
- Recommendation: Staff recommends that Douglas County receive 10 residential allocations for 2019 and 10 residential allocations for 2020.

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<sup>2</sup> Source: Robert Larsen, Lahontan Regional Water Quality Control Board, and Jason Kuchnicki, Nevada Division of Environmental Protection.

El Dorado County – Base number of residential allocations is 30 per year.

- TMDL Implementation: El Dorado County is in compliance with Lake Tahoe TMDL and Municipal Storm Water Permit requirements, including Lake Clarity Credit requirements.
- 2017 Permit Monitoring and Compliance: El Dorado County scored 98% on the project review portion of the performance audit and scored 94% on the compliance portion.
- 2018 Permit Monitoring and Compliance: El Dorado County scored 95% on the project review portion of the performance audit and scored 95% on the compliance portion.
- Recommendation: Staff recommends that El Dorado County receive 30 residential allocations for 2019 and 30 residential allocations for 2020.

Placer County – Base number of residential allocations is 37 per year.

- TMDL Implementation: Placer County is in compliance with Lake Tahoe TMDL and Municipal Storm Water Permit requirements, including Lake Clarity Credit requirements.
- 2017 Permit Monitoring and Compliance: Placer County scored 99% on the project review portion of the performance audit and scored 91% on the compliance portion.
- 2018 Permit Monitoring and Compliance: Placer County scored 93% on the project review portion of the performance audit and scored 91% on the compliance portion.
- Recommendation: Staff recommends that Placer County receive 37 residential allocations for 2019 and 37 residential allocations for 2020.

City of South Lake Tahoe – Base number of residential allocations is 33 per year.

- TMDL Implementation: The City of South Lake Tahoe is in compliance with Lake Tahoe TMDL and Municipal Storm Water Permit requirements, including Lake Clarity Credit requirements.
- 2017 Permit Monitoring and Compliance: The City of South Lake Tahoe scored 96% on the project review portion of the performance audit and scored 95% on the compliance portion.
- 2018 Permit Monitoring and Compliance: The City of South Lake Tahoe scored 97% on the project review portion of the performance audit and scored 94% on the compliance portion.
- Recommendation: Staff recommends that the City of South Lake Tahoe receive 33 residential allocations for 2019 and 33 residential allocations for 2020.

Washoe County – Base number of residential allocations is 10 per year.

- TMDL Implementation: Washoe County was awarded 215 of the 217 credits specified in their ILA (99% conformance rate).
- 2017 Permit Monitoring and Compliance: Washoe County scored 88% on the project review portion of the performance audit and scored 86% on the compliance portion.
- 2018 Permit Monitoring and Compliance: Washoe County scored 87% on the project review portion of the performance audit and scored 91% on the compliance portion.
- Recommendation: Based on TRPA Code, Section 50.5.2, which requires one increment of deduction for average audit scores between 75% and 90%, staff recommends that one increment 1.75 (rounded up to 2) be deducted from the Washoe County base allocation for 2019 and 2020 based on the County's average audit scores for 2017 and 2018, which were 87% and 89%, respectively. Thus, staff recommends Washoe County receive 8 residential allocations for 2019 and 8 residential allocations for 2020.

Public Comment:

Public comment letters are attached to the Local Government and Housing Committee staff report regarding the use of residential allocations.

PRC/APC Recommendation:

PRC and APC recommends the number of 2019 residential allocations for each local jurisdiction as follows:

Douglas County . . . . .	10 allocations
El Dorado County . . . . .	30 allocations
Placer County. . . . .	37 allocations
City of South Lake Tahoe. . . . .	33 allocations
<u>Washoe County. . . . .</u>	<u>8 allocations</u>
Total	118 allocations

PRC and APC recommends the number of 2020 residential allocations for each local jurisdiction as follows:

Douglas County . . . . .	10 allocations
El Dorado County . . . . .	30 allocations
Placer County. . . . .	37 allocations
City of South Lake Tahoe. . . . .	33 allocations
<u>Washoe County. . . . .</u>	<u>8 allocations</u>
Total	118 allocations

<b>Table 3: 2017 &amp; 2018 Performance Evaluation Results Summary</b>			
<b>Jurisdiction</b>	<b>Annual Base Allocation*</b>	<b>Deduction Increments (if required)**</b>	<b>Total Recommended 2019 and 2020 Allocations</b>
<b>Douglas County</b>	10	2.0	20
<b>El Dorado County</b>	30	5.5	60
<b>Placer County</b>	37	6.5	74
<b>City of South Lake Tahoe</b>	33	5.75	66
<b>Washoe County**</b>	10	1.75	16
<b>Total</b>	120		236

Note: Pursuant to TRPA Code, Section 50.5.2.E.4, allocations not distributed under the Performance Review System will be assigned to TRPA’s allocation incentive pool.

\* The Annual Base Allocation and Deduction Increments are provided in Table 50.5.2 of TRPA Code.

\*\*A 1.75 (rounded up to 2) deduction increment is proposed to be subtracted from Washoe County’s annual base allocation for both 2019 and 2020 based on 2017 and 2018 Audit Results.

Contact Information:

For questions regarding this agenda item, please contact Brandy McMahon, AICP, Local Government Coordinator, at (775) 589-5274 or [bmcMahon@trpa.org](mailto:bmcMahon@trpa.org).

Attachment:

- A. Resolution

Attachment A

Resolution

**TAHOE REGIONAL PLANNING AGENCY  
TRPA RESOLUTION NO. 2019 –**

**RESOLUTION OF THE GOVERNING BOARD OF THE TAHOE REGIONAL PLANNING AGENCY TO DISTRIBUTE  
RESIDENTIAL ALLOCATIONS FOR 2019 AND 2020 TO THE CITY OF SOUTH LAKE TAHOE, EL DORADO  
COUNTY, PLACER COUNTY, WASHOE COUNTY, AND DOUGLAS COUNTY**

WHEREAS, the Tahoe Regional Planning Compact (P. L. 96-551, 94 Stat. 3233, 1980) created the Tahoe Regional Planning Agency (TRPA) and empowered it to set forth environmental threshold carrying capacities (“threshold standards”) for the Tahoe Region; and

WHEREAS, the Compact directs TRPA to adopt and enforce a Regional Plan that, as implemented through agency ordinances, rules and regulations, will achieve and maintain such threshold standards while providing opportunities for orderly growth and development consistent with such thresholds; and

WHEREAS, the Compact further requires that the Regional Plan attain and maintain federal, state, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable; and

WHEREAS, in the Tahoe Region, residential allocations may be distributed to local jurisdictions every two years based on residential permit review and compliance and Total Maximum Daily Load (TMDL) implementation (TRPA Code, Section 50.5); and

WHEREAS, on January 30, 2019, the Performance Review Committee (PRC), comprised of staff from each participating local jurisdiction and TRPA, reviewed the Performance Review System results for 2017 and 2018 and TMDL implementation and voted unanimously to recommend distribution of residential allocations for 2019 and 2020 to the local jurisdictions; and

WHEREAS, on March 13, 2019, the Advisory Planning Commission (APC) reviewed the Performance Review System results for 2017 and 2018 and TMDL implementation and, based on the recommendation from the PRC, voted to recommend to the Governing Board distribution of residential allocations for 2019 and 2020 to the local jurisdictions; and

WHEREAS, on April 24, 2019, the Governing Board reviewed the Performance Review System results for 2017 and 2018 and TMDL implementation and, based on the recommendation from the PRC and APC, voted to distribute residential allocations for 2019 and 2020 to the local jurisdictions; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency hereby approves the distribution of residential allocations to the local jurisdictions for 2019 and 2020 as follows:

**2019 Residential Allocations**

Douglas County . . . . .	10 allocations
El Dorado County . . . . .	30 allocations
Placer County. . . . .	37 allocations
City of South Lake Tahoe. . . . .	33 allocations
<u>Washoe County. . . . .</u>	<u>8 allocations</u>
Total	118 allocations

**2020 Residential Allocations**

Douglas County . . . . .	10 allocations
El Dorado County . . . . .	30 allocations
Placer County. . . . .	37 allocations
City of South Lake Tahoe. . . . .	33 allocations
<u>Washoe County. . . . .</u>	<u>8 allocations</u>
Total	118 allocations

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency this \_\_\_\_ day of \_\_\_\_\_, 2019, by the following vote:

Ayes:  
Nays:  
Absent:

\_\_\_\_\_  
William Yeates, Chair  
Tahoe Regional Planning Agency  
Governing Board