

EXHIBIT A

Bi-State Recommendation

Level of Local Delegation and Appeal Process

The group recommends the following language and process:

I. Once an Area Plan, and Zoning and Development Codes with the Plan, have been found in conformance with, and incorporated into, the Regional Plan, Local Governments may assume development review authority by Memoranda of Understanding with TRPA, subject to the following limitations:

A. The TRPA Governing Board shall annually review a sample of permits issued within each Area Plan, and shall certify that the Area Plans are being implemented in Conformance with the Regional Plan. If the TRPA Governing Board finds that development permitted within an Area Plan does not comply with the conforming Area Plan, TRPA may retract delegation of certain permitting authority and implement the conforming Area Plan.

B. Approval of projects within Area Plans shall require TRPA review and approval if the project includes any of the following criteria, except for minor improvements as further specified in the code of ordinances:

- a. All development within the High Density Tourist District;*
- b. All development within the Shorezone of Lake Tahoe;*
- c. All development within the Conservation District;*
- d. All development within the Resort Recreation designation;*
- e. All development meeting criteria on the following table:*

	Regional Center	Town Center	Not in Center
Residential	100,000 sq.ft.	50,000 sq. ft.	25,000 sq. ft.
Non-Residential	80,000 sq. ft.	40,000 sq. ft.	12,500 sq. ft.

C. The limitations specified in the Table above may be increased or decreased by the TRPA Governing Board if the Board finds that local governments, based on ongoing monitoring, reporting and performance review, are acting on projects consistent with the Area Plan and that the terms and conditions of the Area Plan

are being met. After four years there will be a discussion on increased levels of delegation moving forward.

II. Local Government decisions on delegated project applications may be appealed to the TRPA subject to the following criteria and process:

- A. *Appeals shall be limited to whether the decision by a local government is in accordance with an approved Area Plan and its implementing ordinances consistent with the Regional Plan and Compact.*
- B. *Appeals can only be filed by an “aggrieved person” as defined in the Compact [Article VI (j) (3)].*
- C. *Appellants who would be subject to the Compact’s exhaustion provision (see Article VI (j) (3)) must demonstrate that they have exhausted all administrative remedies prior to appealing a decision to TRPA. It is recognized that public agencies have a specific role defined in the Compact; however, public agencies are encouraged to engage lead agencies as early as possible when projects are being processed pursuant to approved Area Plans.*
- D. *An appellant must file an appeal application to TRPA within 15 calendar days of the last local government decision.*
 - a. *The application to TRPA must include:*
 - i. *A clearly written statement explaining the grounds for appeal.*
 - ii. *A \$1,000 TRPA appeal fee (with the local government appeal fee not to exceed the TRPA fee for appeals.)*
 - iii. *Appellants are required to provide documentation to support their claims, and the applicant or lead agency may also augment the record.*
- E. *Once an application is received by TRPA, the project approved by the local government is stayed pending the outcome of the appeal.*
- F. *Within 60 days after receipt of an appeal, TRPA staff will make a recommendation on whether the appeal is frivolous as defined in II A, B, and C. This recommendation will serve as the basis for the TRPA Governing Board in its decision to proceed with an appeal hearing. The voting structure for appeal decisions will be the same as project votes before the Governing Board as defined in the Compact.*

G. *The TRPA Governing Board may take action the first time the appeal is presented to the board or, after hearing the appeal, defer action to the next Governing Board meeting.*

a. *Appeal review and action by the TRPA Governing Board is limited to whether the decision by a local government is in accordance with an approved Area Plan and its implementing ordinances consistent with the Regional Plan and Compact.*

b. *If no action is taken by the TRPA Governing Board at the initial meeting at which the appeal is presented, the Governing Board must take action at the Governing Board meeting the following month.*

H. *Appeals upheld by the TRPA Governing Board nullify the local government decision and the project applicant would be required to re-apply to the local government.*

I. *In very limited circumstances, consistent with Goal III. C below, the TRPA Governing Board may modify a local government decision on a project to make the decision consistent with the Area Plan.*

III. Appeal Process Goals

- A. *Eliminate frivolous appeals and appellants “laying in wait” by encouraging early and consistent engagement.*
- B. *Increase procedural certainty and timeliness (irrespective of outcomes).*
- C. *Establish that project-by-project negotiation should not be the Governing Board’s default position.*

EXHIBIT B

TRPA Draft Regional Plan and Draft Code of Ordinances Language

Full length documents can be found at the TRPA website:

http://www.trpa.org/documents/rp_update/DEIS/2_Regional_Plan_Goals_&Policies_Tracked.pdf

http://www.trpa.org/documents/rp_update/Code_Update/Phase2/2_Draft_Code_Tracked.pdf

1. Plan Initiation

Draft Plan:

Land Use Policy LU-4.5

LU-4.5 TRPA SHALL REQUEST THAT ALL LOCAL, STATE, FEDERAL AND TRIBAL GOVERNMENTS IN THE REGION PROVIDE WRITTEN STATEMENTS INDICATING THEIR INTENT TO PREPARE AREA PLANS AND THEIR ANTICIPATED SCHEDULE FOR COMPLETION OF AREA PLANS FOR AREAS WITHIN THEIR JURISDICTION. STATEMENTS OF INTENT SHOULD BE PROVIDED TO TRPA NO LATER THAN DECEMBER 31, 2013. THE TRPA GOVERNING BOARD SHALL EVALUATE THE LOCAL GOVERNMENT STATEMENTS OF INTENT AND DEVELOP AN ACTION PLAN BY APRIL 30, 2014. THE ACTION PLAN MAY INCLUDE UPDATES AND CONSOLIDATIONS OF PLAN AREA STATEMENTS, COMMUNITY PLANS AND OTHER PLANS FOR AREAS THAT ARE NOT INCLUDED IN AREA PLANS. ANY PLANS THAT ARE UPDATED BY TRPA MAY UTILIZE THE PROVISIONS THAT APPLY TO AREA PLANS.

Draft Code

Code Section 13.4

13.4. DEVELOPMENT OF AREA PLANS

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

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.

2. Plan Development and Approval Procedures

Draft Plan:

Land Use Policies LU-4.6, LU-4.8 through LU-4.10

LU-4.6 IN ORDER TO BE RESPONSIVE TO THE UNIQUE NEEDS AND OPPORTUNITIES OF COMMUNITIES OF THE REGION, LOCAL, STATE, FEDERAL AND TRIBAL GOVERNMENTS ARE ENCOURAGED TO PREPARE CONFORMING AREA PLANS THAT SUPERSEDE EXISTING PLAN AREA STATEMENTS AND COMMUNITY PLANS OR OTHER TRPA REGULATIONS FOR AREAS WITHIN THEIR JURISDICTION. AREA PLANS SHALL BE PREPARED IN COORDINATION WITH LOCAL RESIDENTS, OTHER STAKEHOLDERS AND TRPA STAFF, AND SHALL BE CONSISTENT WITH THE REGIONAL GOAL AND POLICY PLAN AND APPLICABLE ORDINANCES. AFTER BEING FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, AREA PLANS SHALL BECOME A COMPONENT OF THE REGIONAL PLAN.

LU-4.8 IN ORDER TO BE FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, ALL AREA PLANS SHALL INCLUDE POLICIES, ORDINANCES AND OTHER IMPLEMENTATION MEASURES TO:

- 1. Identify 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. Either be consistent with the Regional Land Use Map or recommend and adopt amendments to the Regional Land Use Map as part of an integrated plan to comply with 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 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.*
8. *Identify facilities and implementation measures to enhance pedestrian, bicycling and transit opportunities along with other opportunities to reduce automobile dependency.*

LU-4.9 IN ORDER TO BE FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, ALL AREA PLANS THAT INCLUDE TOWN CENTERS OR REGIONAL CENTERS SHALL INCLUDE POLICIES, ORDINANCES AND OTHER IMPLEMENTATION MEASURES TO:

1. *Address all requirements of Policy LU-4.8.*
2. *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.*
3. *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.*
4. *Use standards within town centers and regional centers addressing the form of development and requiring that projects promote pedestrian activity and transit use.*
5. *Ensure adequate capacity for redevelopment and transfers of development rights into town centers and regional centers.*

6. *Identify an integrated community strategy for coverage reduction and enhanced stormwater management.*
7. *Demonstrate that all development activity within town centers and regional centers will provide threshold gain, including but not limited to measurable improvements in water quality.*

LU-4.10 IN ORDER TO BE FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, AREA PLANS THAT INCLUDE THE HIGH DENSITY TOURIST DISTRICT SHALL INCLUDE POLICIES, ORDINANCES AND OTHER IMPLEMENTATION MEASURES TO:

1. *Address all requirements of Policies LU-4.8 and LU-4.9.*
2. *Include building and site design standards that substantially enhance the appearance of existing buildings in the High Density Tourist District.*
3. *Provide pedestrian, bicycle and transit facilities connecting the High Density Tourist District with other regional attractions.*
4. *Demonstrate that all development activity within the High Density Tourist District will provide 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.*

Draft Code:

Code Sections 13.6 through 13.6.5

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

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.

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

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, and also the following specific review standards:

A. General Review Standards for All Area Plans

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 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*

*In addition to the requirements of subparagraph **Error! Reference source not found.** 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*
- 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*

*In addition to the requirements of subparagraph **Error! Reference source not found.** 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.*

3. Procedures to Address Regional Plan Amendments

Draft Plan:

None Referenced

Draft Code:

Code Section 13.6.7

13.6.7. Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan

- 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 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.

4. Activities Requiring TRPA Approval

Draft Plan:

None Referenced

Draft Code:

Code Section 13.7.3

13.7.3. Activities Requiring TRPA Approval

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:

TABLE 13.7.3 - 1: THRESHOLDS FOR GOVERNING BOARD REVIEW OF PROJECTS IN CENTERS			
	Regional Center	Town Center	Not in Center
Residential	≥ 200,000 sq. ft.	≥ 100,000 sq. ft.	≥ 50,000 sq. ft.
Non-residential	≥ 100,000 sq. ft.	≥ 50,000 sq. ft.	≥ 25,000 sq. ft.

Code Section 2.2.2

2.2.2. Projects and Matters to be Approved by the Governing Board or Hearings Officer

Categories of projects and matters listed in this subsection 2.2.2 or as otherwise required by law shall require Governing Board or Hearings Officer approval, as indicated.

A. General Projects or Matters

1. Governing Board Review

The following projects or matters require review and approval by the Governing Board:

- a. EIS certification (Chapter 3: Environmental Documentation);*
- b. Projects for which an EIS has, or will be prepared, or at the discretion of the Executive Director;*
- c. Plan amendments, ordinances and resolutions;*
- d. Community Plans, including preliminary plan or work program, redevelopment, master or special plans;*
- e. Problem assessments and remedial action plans, excluding voluntary problem assessments and remedial action plans (subsection 5.12 Remedial Action Plans);*
- ~~*f. Increases in supply of land coverage (Chapter 30: Land Coverage);*~~
- ~~*g.f.*~~ *Delegation Memoranda of Understanding pursuant to Section 2.5 (except as otherwise provided in this Code);*
- ~~*h.g.*~~ *Substantial harvest or tree removal plans (61.1.8) except for fuels management projects (61.1.7.D);*
- ~~*i.h.*~~ *Mitigation fund expenditures and projects (Section 60.2 and Section 65.2);*
- ~~*j.i.*~~ *Permit revocations (Chapter 5: Compliance);*
- ~~*k.l.*~~ *Historic resource designations (Chapter 67: Historic Resource Protection);*
- ~~*l.k.*~~ *Projects resulting in a significant increase in traffic when the project causes level of service (LOS) to worsen by one letter grade at an intersection, or results in any additional delay at an intersection already rated at LOS "F" (Section 65.2);*
- ~~*m.l.*~~ *Allocation systems (Chapter 50: Allocation of Development);*
- ~~*n.m.*~~ *Establishing the level defining the top-ranked parcels, lowering the line defining the top-ranked parcels pursuant to subsection 53.5.1 and determining allowable base land coverage pursuant to subsection 53.8.1;*

- ~~e.n.~~ Findings of the demonstration of commitment for affordable housing pursuant to subsection 39.2.5.F; *and*
- o. Special project allocations (subparagraph 50.5.4.D).;
- p. Area Plan conformity review (Chapter 13: Area Plans); *and*
- ~~p.g.~~ In jurisdictions with conforming Area Plans, projects that are not exempt from TRPA review, if those activities otherwise require Governing Board review.

2. Hearings Officer Review

The following projects or matters require review and approval by the Hearings Officer:

- a.** Special uses, including changes, expansions or intensifications of existing uses (Chapter 21: Permissible Uses);
- b.** Additional height for eligible structures, in special height districts for adopted community and redevelopment plan areas (subsection 37.5.4);
- c.** Additions, reconstruction, or demolition of eligible or designated historic resources (Chapter 67: Historic Resource Protection);
- d.** Modification to SEZs, excluding modifications for residential projects in accordance with subparagraph 30.5.2.A and erosion control and other environmentally oriented projects and facilities in accordance with subparagraph 30.5.2.D;
- e.** Land capability challenges and man-modified challenges, except land capability challenges pursuant to subsection 30.3.4 submitted under the special provisions for designated land banks (Chapter 30 and 80);
- f.** Additional land coverage in excess of 1,000 square feet in land capability districts 1-3; *and*
- g.** Projects resulting in a significant increase in traffic that do not require Governing Board review (Section 65.2).

B. Residential Projects

1. Governing Board Review

Residential projects involving the following require review and approval by the Governing Board:

- a.** Allocation of ten or more residential bonus units to affordable or moderate-income housing; *and*
- b.** Mobile home developments involving the creation or elimination of ten or more mobile homes, including conversions to other uses.

2. Hearings Officer

Residential projects involving the following require review and approval by the Hearings Officer:

- a. Multi-residential and employee housing greater than four units;*
- b. Projects that require special use findings (except those identified for Governing Board review) involving changes, expansions or intensification of existing uses; and*
- c. Allocation of more than two, but less than ten, residential bonus*

C. Commercial Projects

1. Governing Board Review

A commercial project involving the allocation or transfer of floor area of 3,000 or more square feet.

2. Hearings Officer

A commercial project involving the allocation or transfer of floor area less than 3,000 square feet.

D. Public Service Projects

1. Governing Board Review

Public service projects involving the following require review and approval by the Governing Board:

- a. New facilities or additions involving over 3,000 square feet of floor area or 3,500 square feet of new land coverage; and*
- b. Airport Expansion.*

E. Recreation Projects

1. Governing Board Review

Recreation projects involving the following require review and approval by the Governing Board:

- a. New facilities or additions involving more than 3,000 square feet of building floor area or 3,500 square feet of land coverage (except recreational trails);*
- b. New recreational trails exceeding one mile in length, or shorter trails that create new land coverage on low capability land or pass through sensitive wildlife habitat; and*
- c. Projects requiring an allocation of PAOTs from the overnight pool of 1,000 PAOTs.*

2. Hearings Officer

Recreation projects involving the following require review and approval by the Hearings Officer:

- a. New recreational trails that are between 1,000 feet and one mile in length, provided the new land coverage is all on high capability land and the trails do not pass through sensitive wildlife habitat.*

F. Shorezone Projects

1. Governing Board Review

Shorezone projects involving the following require review and approval by the Governing Board:

- a. Tour boat operations (new or expansion);*
- b. Waterborne transit (new or expansion);*
- c. Seaplane operation (new or expansion);*
- d. Marinas (new or expansion);*
- e. Boat launching facilities (new or expansion); and*
- f. Recognition of multiple-use facilities (Section 84.9).*
- g. Expansions, requiring a deviation of development standards, except low-level boatlift additions and reconfigurations of existing structures to increase conformance.*

2. Hearings Officer

Shorezone projects involving the following require review and approval by the Hearings Officer:

- a. Special use projects (except those identified for Governing Board review) involving changes, expansions or intensifications of existing uses; and*
- b. New structures (except those identified for Governing Board review).*

G. Delegation to Executive Director

1. Governing Board Action

The Governing Board hereby delegates to the Executive Director the review and final action on all projects and matters not reserved for Hearings Officer or Governing Board approval pursuant to subsection 2.2.2.

2. Unusual Circumstances

The Executive Director may determine that a project or matter not listed in subsection 2.2.2, because of unusual circumstances, warrants Hearings Officer or Governing Board review and action and may schedule the project for Hearings Officer or Governing Board consideration.

3. Appeals

The final action of the Executive Director or Hearings Officer may be appealed to the Governing Board pursuant to TRPA's Rules of Procedure. Final action of the Governing Board may be appealed to a court of competent jurisdiction pursuant to Article VI (j) of the Compact.

5. Procedures to Verify Ongoing Conformance with the Regional Plan

Draft Plan:
None Referenced

Draft Code:
Code Section 13.8

13.8. MONITORING, CERTIFICATION, AND ENFORCEMENT OF AREA PLAN

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,²⁸ 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 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.

EXHIBIT C

List of Comments from Agencies, Organizations, Businesses and Individuals

Full comment letters can be read at the TRPA website, located at: <http://www.trpa.org/RPUEISComments/>

Agencies:

CA_ Department of Justice
CA_ Department of Parks & Recreation
CA_ Tahoe Conservancy
City of South Lake Tahoe
Douglass County
Placer County

Organizations:

Contractors Association of Truckee Tahoe
Friends of Tahoe Vista
Friends of the West Shore
Lake Tahoe Community College
League to Save Lake Tahoe, Friends of the West Shore, Tahoe Area Sierra Club – Joint Comments.
North Tahoe Business Association
North Tahoe Preservation Alliance/ Mountain Area Preservation Foundation
South Tahoe Association of Relators
Sustainable Tahoe
Tahoe City Downtown Association
Tahoe Prosperity Center
Tahoe Sierra Board of Relators

Businesses:

Edgewood Companies
Edgewood Companies & Heavenly Mountain Resort – Joint Comments
Harrah's / Harveys
Kaufman Planning & Consulting
Sierra Colina

Individuals:

Anonymous 5	Hollingsworth, T
Anonymous 14	Truscott, A
Grassi, R	Waller, E
	Zeigler, D