
MEMORANDUM

Date: December 9, 2011
To: TRPA Local Government Committee
From: TRPA Staff
Subject: Recommendations on Transfer of Local Planning, Code and Zoning Jurisdiction

Requested Actions: 1) approve staff recommendations on transfer of local government planning code and zoning jurisdiction; 2) comment and/or provide recommendations on draft Regional Plan policies to be forwarded to the Regional Plan Update Committee for inclusion in the draft updated Regional Plan and Code; and 3) approve TRPA funding of local government planning efforts.

Staff Recommendations: Staff recommends that the Local Government Committee approve the recommendations on transfer of local planning, code and zoning jurisdiction. Staff also recommends that the Local Government Committee review the policies that have been referred to it by the Regional Plan Update Committee and provide comments and/or recommendations back to the RPU Committee. Finally, staff recommends TRPA funding of local government planning efforts as described in this staff report.

Description/Background: There are three items that the Local Government Committee needs to address:

1. Transfer of Local Planning, Code and Zoning Jurisdiction - At the most basic (i.e., Compact) level there are **activities** that TRPA can determine “will not have a substantial effect on land, water, air, space or any other natural resources in the region and therefore will be exempt from its review and approval” and **projects** that may not “be developed in the region without obtaining review and approval of the agency and no project may be approved unless it is found to comply with the regional plan and with the rules and regulations enacted to” implement the Regional Plan. **Projects** (i.e., the projects proposed to be defined in the Regional Plan as “projects of regional significance”) will continue to go before the Governing Board for approval. Jurisdiction for the other **activities** can be transferred to local jurisdictions.

There are three different levels of transfer of jurisdiction to local governments that are proposed. These are in addition to the Memoranda of Understanding (MOU) allowing local governments and special districts to complete exempt and qualified exempt projects. Two of the three levels already exist and will continue to be available. Staff is recommending addition of a third level (number 3, below).

1. Activities TRPA continues to permit when the local government or special district and TRPA do not agree to transfer jurisdiction;
2. Activities which a local government handles on behalf of TRPA through a Memorandum of Understanding. In this case the local government would use TRPA plans and code, but would issue the permit. This is essentially the current arrangement that TRPA and some local governments now have through various MOU; and

3. Activities which a local government can handle that are consistent with that local government plan, code and zoning when that plan, code and zoning has been found in conformance with the Tahoe Regional Plan. In this case the local government would essentially substitute its conforming plan, code and zoning for the TRPA plans, ordinances, rules and regulations.

On October 27, 2011 the TRPA Governing Board Local Government Committee unanimously approved the staff recommendations on this new regional and local planning framework and directed staff to meet with local government staffs to review and refine the proposed framework.

Each local government has designated the following staff members to work with TRPA staff on this project. Their assistance has been invaluable in preparing these recommendations.

Carson City/County, Nevada – Lee Plemel

Douglas County, Nevada – Brandy McMahon, Mimi Moss, Candace Stowell

El Dorado County, California – Peter Maurer, Tom Burnette

Placer County, California – Steve Buelna, Crystal Jacobsen, Rae James, Jennifer Merchant, Paul Thompson

City of South Lake Tahoe, California – Hilary Roverud

Washoe County, Nevada – Eva Krause, Eric Young

TRPA staff also requested Clarion Associates provide any information they have on this type of framework. The memo Clarion Associates prepared is included as Attachment 1. The memo did not provide any information on new or alternative approaches beyond what was presented to the Local Government Committee in October.

In essence, the additional level will give local governments in the Tahoe Region the option to prepare their own general (California) or master (Nevada) plans, development codes and zoning that conforms to the Tahoe Regional Plan. Upon finding the local government plans, code and zoning conform to the Regional Plan, TRPA will also prescribe the relevant local jurisdiction processing and permitting activities that are exempt from TRPA review and approval. Projects of Regional Significance, which are still being defined, will have to be reviewed by TRPA following approval by the local government. An annual monitoring, review and report process will also be required to determine if the local government is approving development consistent with the conforming plan, code and zoning and if that local government should maintain local planning jurisdiction.

The framework outlined above and discussed below will accommodate all of the options local governments have proposed during our meetings with them.

As directed by the Committee at the October 27, 2011 meeting, recommendations for local government development processing are scheduled for January 2012. Recommendations for State and Federal agencies are scheduled for February 2012.

2. Policies and Implementation Measures referred to the Local Government Committee by the RPU Committee – Attachment 2 contains the Land Use Element Goal 4 (LU-4), policies and implementation measures approved by the RPU Committee for inclusion in the draft updated Regional Plan. The RPU Committee referred Policy LU-4.12 and part of LU-4 Implementation Measures (Bullet Point 5 and sub-bullet points) to the Local Government (LG) Committee for comments and/or recommendations.

1. Policy LU-4.12 Part 1 outlined the annual local plan implementation review process. In effect, a sample of permits issued within each jurisdiction with a conforming local plan would be checked by TRPA for consistency with the conforming local plan. If permits were consistent with the local plan, it would be recertified. Policy LU-4.12 Part 2 is a list of the projects that would not be exempt from TRPA review and approval (i.e., may not “be developed in the region without obtaining review and approval of the agency and no project may be approved unless it is found to comply with the regional plan and with the rules and regulations enacted to” implement the Regional Plan).

The current draft policy language is shown below in red:

LU-4.12 ONCE A LOCAL PLAN, AND ZONING AND DEVELOPMENT CODES WITHIN THE PLAN, HAVE BEEN FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, LOCAL GOVERNMENTS MAY ASSUME DEVELOPMENT REVIEW AUTHORITY BY MEMORANDA OF UNDERSTANDING WITH TRPA, SUBJECT TO THE FOLLOWING LIMITATIONS:

1. The TRPA Governing Board shall annually review each conforming Local Plan and a sample of permits issued within each Local Plan, and shall certify that the Local Plans are being implemented in Conformance with the Regional Plan. If the TRPA Governing Board finds that development that has been permitted within a Local Plan does not comply with the conforming Local Plan, TRPA may retract delegation of certain permitting authority and implement the conforming Local Plan.
2. Approval of projects within Local Plans shall require a TRPA Finding of Conformance if the project includes any of the following criteria:
 - a. All development within the High Density Tourist District;
 - b. All development permitting gaming;
 - c. All development within 200 feet of the high water mark of Lake Tahoe;
 - d. All development outside Town Centers and Regional Centers that includes Tourist Accommodations Units (TAU) or Commercial Floor Area (CFA) and is greater than 2 stories in height.
 - e. All projects containing more than 50,000 square feet of floor area.
 - f. All development within the Conservation District.
3. All ongoing TRPA development monitoring and reporting requirements are met.

The RPU Committee specifically requested that the LG Committee review the primary topics of discussion at RPU Committee meetings. These include:

- The scope of the annual recertification process, which staff recommends be limited to verification that permitting activities are consistent with the conforming local government plan. Local government staffs have emphasized the importance of limiting the scope of annual review to not include reconsideration of local plan conformance; and
- Item 2 d and e. Several Committee members suggested that sub-items d and e be combined to have a different size limit that triggers TRPA review in different areas. It was generally agreed that the limit should be highest in the Regional Center, less in Town Centers and lowest outside any center. Consensus was not reached on what that the limit would be in each area.

In addition, staff recommends that the text in the first part of item 2 be revised to state “Approval of projects within local plans shall require TRPA review and approval if the project includes any of the following criteria;”.

2. LU-4 Implementation Measures Bullet Point 5 and four sub-bullet points outline requirements for local plans. It is anticipated that these measures will be implemented with a Memoranda of Understanding. The current draft language is shown below in red:

- Amend the Development Code to adopt regional parameters with which all local government plans must be consistent. Include the following parameters.
 - Require local plans to establish baseline information and conditions of all Thresholds, and identify how Threshold attainment will be enhanced;
 - Incorporate environmental improvement projects needed to meet environmental thresholds in local plans;
 - Require monitoring and reporting requirements for Local Plans; and
 - Require that Local Plans include development standards that are consistent with criteria in the table below:

At one point during discussion of this item at the RPU Committee removal of the first two sub-bullet points was suggested. Staff concurs with that suggestion. The third sub-bullet point, monitoring, is discussed below. This Implementation Measure is directly related to Policy 4.12 Part 1 (discussed above).

For the monitoring and reporting item (sub-bullet point 3) TRPA staff is recommending a process loosely based on the annual financial auditing and reporting process each local government has in place. This is very much like the process already in place in the existing MOU TRPA has with some local governments and special districts. The three components of the process are:

- Monitoring – This is simply the transfer of information from the local government to TRPA at the building permit stage. The purpose for obtaining this information is to maintain baseline data underlying the measurement of threshold attainment and maintenance and Regional Plan implementation. The information that will be provided to TRPA is the same information that local governments already obtain in the permitting process: number of residential units, square feet of building, height, acreage, site coverage and scanned documents. If applicable, TRPA staff will work with local government staffs to set up procedures so the information can be automatically transferred between the local government and TRPA automated permit tracking systems.
- Reviewing – A random sample of cases approved by each local government will be checked against the appropriate policies in the Regional Plan. Only those policies that can be checked objectively will be used. For example, Policy 4.9 (3) calls for continuous sidewalks, pedestrian paths and bicycle facilities along both sides of highways in Town Centers and Regional Centers. TRPA staff will review any randomly selected projects that meet this criterion to see if the policy is being implemented through the local government permitting process. If any discrepancies are identified, the TRPA staff and local government staff will meet to discuss this before it is included in the annual report. A more comprehensive list of the policies that will be used for this review process will be completed once the updated Regional Plan is adopted.
- Reporting – The TRPA staff will prepare an annual report on the monitoring and review results. A draft version of this report will be provided to the respective local government executives/managers and agency/department heads for review and comment before it is made available to the Governing Board. It will be presented to the Governing Board along with the staff

recommendation on annual renewal of the MOU for local planning, code and zoning jurisdiction.

Funding for TRPA activities associated with the existing MOU has typically been a percentage of the permit fee collected by local governments (e.g., 10%). Staff will review the revenues that have been generated and the expenditures associated with this function, as well as alternative funding mechanisms (e.g., fraction of a percentage of building valuation), to determine a recommended funding mechanism for the MOU.

Staff recommends development and use of MOU that are tailored to each of the six local governments in the Region. These MOU would reflect their preferences regarding what development review activities they will assume and the transition process; the monitoring, reviewing and reporting provisions; and the funding mechanism.

The RPU Committee has not yet discussed the table associated with sub-bullet point 4. The table was not referred to the Local Government Committee.

3. TRPA Funding of Local Government Planning Efforts - TRPA had previously indicated that the Regional Plan update would include preparation of community or local plans for portions of the five Counties and one City in the Tahoe Region. Toward that end, TRPA has assigned staff and has a contract with Dyett & Bhatia, Urban and Regional Planners, to prepare pilot local plans. Some of the local governments in the Tahoe Basin have, in good faith, begun to update their plans, code and zoning. Others plan to update their plans following adoption of the updated Regional Plan. Carson City does not intend to do so. There is approximately \$130,000 remaining for this purpose. If divided equally among the remaining five jurisdictions that might update their plans, \$26,000 would be available for each jurisdiction.

Staff recommends that the assigned staff and this funding be made available for the five local governments to continue to prepare these local plans, codes and zoning. For those local governments that commit to prepare plans, code and zoning to substitute for TRPA plans, rules and regulations, the funding would be made available to that local government. It is recommended that the funding recipients determine whether or not they wish to use the funds for Dyett & Bhatia, another consultant, or in-house staff. Local governments would determine the most beneficial scope of work. If the funding is transferred, an appropriate agreement between TRPA and the local government would be executed by the Executive Director. Otherwise TRPA would keep the funds for local planning in any jurisdictions that decide not to prepare a local plan, code and zoning to substitute for TRPA plans, rules and regulations.

In addition, there is Strategic Growth Council (SGC) grant funding available for local planning for California communities in the Tahoe Region. That funding is slated for local planning in Eldorado and Placer Counties, and the City of South Lake Tahoe. Dyett & Bhatia has a contract to perform that work. An application for grant funds for local planning for Nevada communities in the Basin was submitted to the US Department of Housing and Urban Development (HUD), but it was not funded.

Recommendations: In summary, staff recommends that the Local Government Committee 1) approve the recommendations on transfer of local planning, code and zoning jurisdiction; 2) review the policies that have been referred to it by the Regional Plan Update Committee and provide comments and/or recommendations back to that Committee; and 3) TRPA fund local government plan, code and zoning efforts as described in this staff report.

Contact Information: If you have any questions, please contact John Hester, Planning Director, at jhester@trpa.org or 775.589.5219.

ATTACHMENT 1

MEMORANDUM

TO: John Hester, Arlo Stockham, and Paul Nielsen, TRPA
FROM: Matt Goebel and Paul Anthony, Clarion Associates
DATE: November 28, 2011
RE: Initial Research on Regional Agency Models

TRPA requested that Clarion Associates conduct initial research to illustrate how a variety of regional planning agencies are structured and operate. TRPA requested this research because the draft RPU Goals and Policies direct a fundamental shift away from the current regulatory model, in which TRPA is often the primary review and permitting agency for most land use activities in the basin, to an alternative approach in which the local governments are the primary permitting agencies, provided their plans and codes are deemed by TRPA to be “consistent” with the regional TRPA Goals and Policies.

Below is a general set of questions we think are relevant to TRPA’s proposed shift to a new regional agency framework. We applied these questions to three different regional-like agencies (see table) in order to help summarize how each of these regulatory models address regional governance. The table’s intent is to begin to illustrate a variety of regional approaches that hopefully can inform further discussion.

The scope of authority for TRPA under the Compact is of course unique and different than the authority provided to the agencies listed in the table below. Nevertheless, these jurisdictions offer helpful examples of some of the issues to be addressed in the revised TRPA Code of Ordinances. We prepared this table based on research and interviews with representatives from the listed agencies. Additional examples and more detail can be added upon request.

Major questions for regional agency to address:

- What criteria are used to determine consistency of local plans/code with regional requirements?
- Once local plans/code are deemed consistent with regional requirements:
 - Who approves local land use permits?
 - If local governments take over most land use permitting responsibilities, are there some types or size of projects over which the regional body may want to retain primary jurisdiction?
 - How does the regional agency oversee delegation of permitting authority to local governments?
 - Does the regional agency review all/some local permits and provide comments as necessary? Does the agency wait for final decision of local government before getting involved?
 - How does the regional agency get noticed for local permits? Which local applications require notice?
 - Can local decisions be appealed to or by the regional government?
 - How much flexibility should be given to local communities to comply with regional requirements? Do local plan/codes have a required format or must certain common defined terms be used (e.g., “density”) to make consistency review effective?
 - How is the regional plan/code enforced?
 - Is the regional government required to do periodic review of local plans/code to ensure they are maintaining consistency?
 - Is there a clear process for issuing interpretations of regional code requirements to guide local governments?
 - Can local plans/codes become “de-certified” if they fall out of compliance in future?
 - Do certified plans/codes have to be updated at required intervals?
 - What kind of recourse (legal or otherwise) does the regional agency have to enforce requirements?
 - Does the regional agency require local communities to seek consistency approval, or is it acceptable to allow communities opt out of delegation? What are the consequences of less-than-100% participation by local governments?

Summary of Regional-Like Government Structures			
Agency Attribute	California Coastal Commission	Metro (Portland, OR)	Pinellas County Planning Council, FL
Type of Agency:	State Agency	Regional Agency	County Agency
Jurisdictions regulated	60 cities 15 counties 72% LCPs certified	25 cities 3 counties	24 cities 1 county
Type of regulatory system:	Consistency review and comment / original jurisdiction for certain matters	Consistency review and comment	Consistency review and comment
General description	<ul style="list-style-type: none"> All localities in coastal zone must submit Local Coastal Plans (both a land use plan and implementation plan (zoning code)) to be certified by CCC. LCPs must be deemed to be in conformity/consistent with Coastal Act goals and policies. Once LCP is certified by CCC, that locality becomes primary permitting agency for most coastal permits. For communities without a certified LCP, CCC remains primary permitting agency. State statutes provide relatively specific criteria for determining consistency. CCC gives considerable flexibility to local communities in devising form/content of LCPs. CCC reviews LCPs every five years (does not always happen) to verify proper implementation. 	<ul style="list-style-type: none"> Metro has adopted the Urban Growth Management Functional Plan (and other related ordinances) that is binding on all jurisdictions in region. Local jurisdictions are required to demonstrate to Metro that their plans/codes are consistent with Metro requirements. Metro is required to complete annual compliance report to track implementation by all jurisdictions (does not always do this). After local plans/codes are deemed consistent, Metro is noticed only for local plan amendments and rezonings. All other types of local development permits are not noticed (assumption being that permits under consistent plan should also be consistent). 	<ul style="list-style-type: none"> The county commissioners act as the "Countywide Planning Agency, in conjunction with the Pinellas Planning Council," which has a broader membership. Focuses on issues of "countywide concern" that were not being adequately addressed by local government, i.e., land use and intergovernmental coordination. Has "Countywide Plan" (goals for housing, conservation, water quality, capital improvements, open space, etc.) and "Countywide Rules" (limits on densities, coverage, ADTs, but not design standards). Only the PPC "rules" are regulatory (the plan is for guidance and coordination purposes,) so local governments only have to demonstrate that their plans and regulations are consistent with the PPC rules. PCC acts as primary planning agency for Pinellas County, too. Also coordinates growth management strategies within county

Summary of Regional-Like Government Structures			
Agency Attribute	California Coastal Commission	Metro (Portland, OR)	Pinellas County Planning Council, FL
Permits issued by the regional authority?	<p>No/Yes.</p> <ul style="list-style-type: none"> Coastal act requires special coastal zone development permit for certain activities. Most coastal permits are issued by local governments if have certified LCP. Such permits are (mostly) appealable to CCC. CCC has primary permitting authority over: <ul style="list-style-type: none"> Tidelands Submerged lands Public trust lands Uncertified geographic areas Appealed local permits if CCC finds "substantial issue" is raised. Certain federal projects 	<p>No.</p> <p>Local jurisdictions do all land use permitting. Metro issues no land use permits.</p>	<p>No (needs more research)</p>
Regional significance trigger for review?	<p>CCC has retained jurisdictions over certain sensitive or legally complex areas (tidelands) or large projects (federal projects).</p>	<p>No.</p> <p>But Metro's authority extends to issues of "regional significance," and it can adopt land use ordinances related to that regional issue.</p>	<p>No (apparently)</p>
How is consistency determined?	<p>Set in statute, relatively detailed.</p>	<p>There are general standards for consistency in Functional Plan; however, these are rather general and give Metro considerable discretion in making its determination.</p>	<ul style="list-style-type: none"> Deemed consistent if local plans/regs show equal or less intensity than Countywide Plan or Countywide Rules For local amendments, consistency "shall be construed to mean that the compared item is in accordance with, and is within the parameters specified, for the item by the criterion to which it is compared."

Summary of Regional-Like Government Structures			
Agency Attribute	California Coastal Commission	Metro (Portland, OR)	Pinellas County Planning Council, FL
Enforcement	<ul style="list-style-type: none"> • Appeal authority and use of periodic updates (five years, but not usually timely followed) <ul style="list-style-type: none"> • Ensures proper implementation through appeal of local decisions (and sometimes taking over jurisdiction (i.e., “bump up”)) and through periodic review recommendations. • CCC sometimes uses courts for enforcement. • Proper notice is critical for enforcement. CCC needs to know when development is happening and respond in timely fashion. CCC gets notices on both appealable and non-appealable coastal permits. • Enforcement over matters of original jurisdiction is direct and more straightforward because CCC handles those matters from start to finish. 	<ul style="list-style-type: none"> • Appeal authority and use of periodic update (annual, but not usually timely followed) <ul style="list-style-type: none"> ○ Rarely relies on appeal authority and rarely uses courts. ○ Enforcement is usually a negotiated outcome between all parties. Metro sends letter asking local community to prove consistency and process usually results in resolution. ○ Metro has same land use enforcement authority as state. ○ Primary enforcement “stick” is withholding of transportation money through Metro’s role as MPO. 	<ul style="list-style-type: none"> • Enforced by the Countywide Planning Agency (county Commissioners), but often at recommendation of the PCC. • The PPC must be given notice of all proposed local amendments that affect an issue addressed by PPC plan/rules. Prior to such notice, the local government must have approved and deemed compliant local amendment. PPC staff have 15 days to determine consistency. Can appeal to PPC if don’t like staff determination. Can then appeal PPC to CPA. Either way, local amendment fails if PPC/CPA does not approve. • PPC reviews local plans and regulations on an “as-needed basis” for ongoing compliance. • PPC must review its own plans and rules every five years for needed updating

Note: TRPA should also consider looking into the **Columbia River Gorge Commission** as another potential example. The commission is a bi-state Compact agency established by the Columbia River National Scenic Area Act and is a partnership between the Commission and the US Forest Service, the state of Oregon and Washington, four Native American tribes, and the six counties within the Scenic Area. Generally, the Commission operates on a “consistency review” model regarding the Scenic Act’s requirements on non- federal lands in the five counties that have Commission-approved local ordinances but acts as the primary permitting agency for Klickitat County, WA, which has refused to seek Commission approval of its local ordinances under the Scenic Act. Contact: Jeff Litwack (509) 493-3323 ext. 222.

ATTACHMENT 2

Text in black has been approved by the Regional Plan Update (RPU) Committee.

Text in *green italics* shows the voting results and date for the RPU Committee action.

Text in *blue* has not yet been considered by RPU Committee.

Text in *red* has been referred to the Local Government Committee.

**Note: The RPU Committee unanimously (7-0) supported Goal LU-4 on November 2, 2011.*

GOAL LU-4

**REGIONAL PLAN GOALS, POLICIES, AND ORDINANCES SHALL BE IMPLEMENTED USING AN INTEGRATED SYSTEM OF REGIONAL AND LOCAL GOVERNMENT PLANNING.
POLICIES**

**Note: Relocated and amended from LU Goal #2, Policy 2. The RPU Committee unanimously (6-0) supported Policy LU-4.1 with modifications on December 6, 2011.*

LU-4.1 THE REGIONAL PLAN LAND USE MAP IDENTIFIES GROUPINGS OF GENERALIZED LAND USES AND PRIORITY REDEVELOPMENT AREAS IN THE REGION. . AREAS OF SIMILAR USE AND CHARACTER ARE MAPPED AND CATEGORIZED WITHIN ONE OR MORE OF THE FOLLOWING SEVEN LAND USE CLASSIFICATIONS: WILDERNESS, BACKCOUNTRY, CONSERVATION, RECREATION, RESIDENTIAL, MIXED-USE, AND TOURIST. THESE LAND USE CLASSIFICATIONS SHALL DICTATE ALLOWABLE LAND USES. EXISTING URBANIZED AREAS ARE IDENTIFIED AS TOWN CENTERS, REGIONAL CENTERS AND THE HIGH DENSITY TOURIST DISTRICT. TOWN CENTERS, REGIONAL CENTERS AND THE HIGH DENSITY TOURIST DISTRICT ARE THE AREAS WHERE SUSTAINABLE REDEVELOPMENT IS ENCOURAGED.

Since the development permitted under this Plan is generally limited to the existing urban boundaries in which uses have already been established, the concept of this land use plan is directed toward encouraging infill and redirection. The intent of this system is to provide flexibility when dealing with existing uses, continuation of acceptable land use patterns, and redirection of unacceptable land use patterns. Implementation ordinances set forth the detailed management criteria and allowed uses for each land use classification.

Wilderness

Wilderness Districts are designated and defined by the U.S. Congress as part of the National Wilderness Preservation System. These lands offer outstanding opportunities for solitude and primitive, unconfined recreation experiences, and they contain ecological, geological, and other features of scientific, educational, scenic, and historic value. The wilderness designation is intended to protect and preserve such areas for present and future generations. These lands are managed to prevent the degradation of wilderness character. Natural ecological processes and functions are preserved, and restored where necessary. Permanent improvements and mechanized uses are prohibited. Wilderness District lands within the Tahoe Region include portions of the Desolation, Granite Chief, and Mount Rose Wilderness Areas.

Backcountry

Backcountry Districts are designated and defined by the U.S. Forest Service as part of their Resource Management Plans. These lands are roadless areas including Dardanelles/Meiss, Freel Peak, and Lincoln Creek. On these lands, natural ecological processes are primarily free from human influences. Backcountry areas offer a recreation experience similar to Wilderness, with places for people seeking natural scenery and solitude. Primitive and semi-primitive recreation opportunities include hiking, camping, wildlife viewing, and cross-country skiing, in addition to more developed or mechanized activities not allowed in Wilderness areas (e.g., mountain biking, snowmobiling). Management activities that support administrative and dispersed recreation activities are minimal, but may have a limited influence. Limited roads may be present in some backcountry areas; road reconstruction may be permitted on Backcountry lands where additional restrictions do not apply. Backcountry areas contribute to ecosystem and species diversity and sustainability, serve as habitat for fauna and flora, and offer wildlife corridors. These areas provide a diversity of terrestrial and aquatic habitats, and support species dependent on large, undisturbed areas of land. Backcountry areas are managed to preserve and restore healthy watersheds with clean water and air, and healthy soils. Watershed processes operate in harmony with their setting, providing high quality aquatic habitats.

Conservation

Conservation areas are non-urban areas with value as primitive or natural areas, with strong environmental limitations on use, and with a potential for dispersed recreation or low intensity resource management. Conservation areas include (1) public lands already set aside for this purpose, (2) high-hazard lands, stream environment zones, and other fragile areas, without substantial existing improvements, (3) isolated areas which do not contain the necessary infrastructure for development, (4) areas capable of sustaining only passive recreation or non-intensive agriculture, and (5) areas suitable for low-to-moderate resource management.

Recreation

Recreation areas are non-urban areas with good potential for developed outdoor recreation, park use, or concentrated recreation. Lands which this Plan identifies as recreation areas include (1) areas of existing private and public recreation use, (2) designated local, state, and federal recreation areas, (3) areas without overriding environmental constraints on resource management or recreational purposes, and (4) areas with unique recreational resources which may service public needs, such as beaches and ski areas.

Residential

Residential areas are urban areas having potential to provide housing for the residents of the Region. In addition, the purpose of this classification is to identify density patterns related to both the physical and manmade characteristics of the land and to allow accessory and non-residential uses that complement the residential neighborhood. These lands include: (1) Areas now developed for residential purposes; (2) areas of moderate-to-good land capability; (3) areas within urban boundaries and serviced by utilities; and (4) areas of centralized location in close proximity to commercial services and public facilities.

Mixed-Use

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

Tourist

Tourist areas are urban areas that have the potential to provide intensive tourist accommodations and services or intensive recreation. This land use classification also includes areas recognized by the Compact as suitable for gaming. These lands include areas that are:

- 1) already developed with high concentrations of visitor services, visitor accommodations, and related uses;
- 2) of good to moderate land capability (land capability districts 4-7);
- 3) with existing excess land coverage; and
- 4) located near commercial services, employment centers, public services and facilities, transit facilities, pedestrian paths, and bicycle connections

Town Center Overlay

Town Centers contain most of the region's non-residential services and have been identified as a significant source of sediments and other contaminants that continue to enter Lake Tahoe. Town Centers are targeted for redevelopment in a manner that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern and provides economic opportunities in the region.

**Note: The RPU Committee unanimously (6-0) supported to add Regional Center Overlay language to Policy LU-4.1 on November 16, 2011.*

Regional Center Overlay

The Regional Center area includes a variety of land uses in the core of South Lake Tahoe, including the Gondola and base lodge facilities for Heavenly Ski Area. Development patterns in the Regional Center have been and should continue to be more intensive than Town Centers and less intensive than the High Density Tourist District. Older development within the Regional Center is a significant source of sediment and other water contaminants. The Regional Center is targeted for redevelopment in a manner that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern and provides economic opportunities in the region.

High Density Tourist District Overlay

The High Density Tourist District contains a concentration of hotel/casino towers and is targeted for redevelopment in a manner that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern and provides economic opportunities for local residents. The High Density Tourist District is the appropriate location for the region's highest intensity development.

**Note: The RPU Committee unanimously (5-0) supported Policy LU-4.2 on November 15, 2011.*

LU-4.2 DETAILED PLAN AREA STATEMENTS HAVE BEEN APPROVED FOR ALL PROPERTIES IN THE REGION. THESE PLAN AREA STATEMENTS WERE ADOPTED IN ACCORDANCE WITH THE 1987 REGIONAL PLAN AND SHALL REMAIN IN EFFECT UNTIL SUPERSEDED BY LOCAL PLANS THAT ARE DEVELOPED IN ACCORDANCE WITH AND FOUND IN CONFORMANCE WITH THIS REGIONAL PLAN. IF ANY PLAN AREA STATEMENT CONTAINS PROVISIONS THAT CONTRADICT NEWER PROVISIONS OF THE REGIONAL PLAN OR DEVELOPMENT CODE, THE NEWER PROVISIONS OF THE REGIONAL PLAN OR DEVELOPMENT CODE SHALL PREVAIL, BUT ONLY TO THE EXTENT THAT SPECIFIC PROVISIONS CONFLICT.

**Note: The RPU Committee unanimously (5-0) supported Policy LU-4.3 on November 15, 2011.*

LU-4.3 COMMUNITY PLANS HAVE BEEN APPROVED FOR SOME PROPERTIES IN THE

REGION TO REFINE AND SUPERSEDE THE PLAN AREA STATEMENTS. THESE COMMUNITY PLANS WERE ADOPTED IN ACCORDANCE WITH THE 1987 REGIONAL PLAN AND SHALL REMAIN IN EFFECT UNTIL SUPERSEDED BY LOCAL PLANS THAT ARE DEVELOPED IN ACCORDANCE WITH AND FOUND IN CONFORMANCE WITH THIS REGIONAL PLAN. IF ANY COMMUNITY PLAN CONTAINS PROVISIONS THAT CONTRADICT NEWER PROVISIONS OF THE REGIONAL PLAN OR DEVELOPMENT CODE, THE NEWER PROVISIONS OF THE REGIONAL PLAN OR DEVELOPMENT CODE SHALL PREVAIL, BUT ONLY TO THE EXTENT THAT SPECIFIC PROVISIONS CONFLICT.

**Note: The RPU Committee unanimously (5-0) supported Policy LU-4.4 on November 15, 2011.*

LU-4.4 OTHER DETAILED PLANS, SUCH AS THE AIRPORT MASTER PLAN, SKI AREA MASTER PLANS, AND REDEVELOPMENT PLANS HAVE ALSO BEEN APPROVED FOR SOME PROPERTIES IN THE REGION TO FURTHER REFINE AND SUPERSEDE THE PLAN AREA STATEMENTS. THESE PLANS WERE ADOPTED IN ACCORDANCE WITH THE 1987 REGIONAL PLAN AND SHALL REMAIN IN EFFECT UNTIL SUPERSEDED BY LOCAL PLANS THAT ARE DEVELOPED IN ACCORDANCE WITH AND FOUND IN CONFORMANCE WITH THIS REGIONAL PLAN. IF ANY OF THESE PLANS CONTAIN PROVISIONS THAT CONTRADICT NEWER PROVISIONS OF THE REGIONAL PLAN OR DEVELOPMENT CODE, THE NEWER PROVISIONS OF THE REGIONAL PLAN OR DEVELOPMENT CODE SHALL PREVAIL, BUT ONLY TO THE EXTENT THAT SPECIFIC PROVISIONS CONFLICT.

**Note: The RPU Committee directed staff on November 15, 2011 to modify policy LU-4.5 to call for statements of intent from Local Government and development of an action plan based on statements of intent. Modifications are reflected in proposed text. The RPU Committee unanimously (6-0) supported Policy LU-4.5 on December 6, 2011.*

LU-4.5 TRPA SHALL REQUEST THAT ALL LOCAL GOVERNMENTS IN THE REGION PROVIDE WRITTEN STATEMENTS INDICATING THEIR INTENT TO PREPARE LOCAL PLANS AND THEIR ANTICIPATED SCHEDULE FOR COMPLETION OF LOCAL PLANS. 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 LOCAL PLANS.

**Note: The RPU Committee unanimously (6-0) supported Policy LU-4.6 on November 15, 2011.*

LU-4.6 IN ORDER TO BE RESPONSIVE TO THE UNIQUE NEEDS AND OPPORTUNITIES OF COMMUNITIES OF THE REGION, LOCAL GOVERNMENTS ARE ENCOURAGED TO PREPARE CONFORMING LOCAL PLANS THAT SUPERSEDE EXISTING PLAN AREA STATEMENTS AND COMMUNITY PLANS. LOCAL PLANS SHALL BE PREPARED IN COORDINATION WITH LOCAL RESIDENTS, OTHER STAKEHOLDERS AND TRPA STAFF, AND SHALL BE CONSISTENT WITH THE REGIONAL PLAN.

**Note: The RPU Committee unanimously (6-0) supported Policy LU-4.7 on November 15, 2011.*

LU-4.7 AFTER LOCAL GOVERNMENT APPROVAL, LOCAL PLANS SHALL BE REVIEWED BY THE TRPA GOVERNING BOARD AT A PUBLIC HEARING. IN ORDER TO TAKE EFFECT, THE TRPA GOVERNING BOARD SHALL MAKE A FINDING THAT THE LOCAL PLAN, AND ZONING AND DEVELOPMENT CODES WITHIN THE PLAN, ARE CONSISTENT WITH AND FURTHER 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.

**Note: The RPU Committee unanimously (6-0) supported Policy LU-4.8 on November 15, 2011.*

LU-4.8 IN ORDER TO BE FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, ALL LOCAL 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. Be consistent with the Regional Land Use Map. Local Plans may also recommend 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. Local 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.

**Note: The RPU Committee (5-1) supported Policy LU-4.9 on November 15, 2011 and unanimously (6-0) supported addition of Regional Center Overlay language on November 16, 2011.*

LU-4.9 IN ORDER TO BE FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, ALL LOCAL 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.

**Note: The RPU Committee unanimously (6-0) supported Policy LU-4.10 on November 15, 2011.*

LU-4.10 IN ORDER TO BE FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, LOCAL 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 Center 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.

**Note: The RPU Committee unanimously (6-0) supported Policy LU-4.11 on November 15, 2011.*

LU-4.11 LOCAL GOVERNMENTS MAY ADOPT DEVELOPMENT ORDINANCES THAT SUPERSEDE TRPA ORDINANCES IF THE LOCAL PLAN AND ASSOCIATED ORDINANCES ARE FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, AND MEET THE INTENT OF TRPA ORDINANCES.

**Note: The RPU Committee deferred action on Policy LU-4.12 and directed staff to work through modified language through the Local Government Committee and return with a recommendation for the RPU Committee.*

LU-4.12 ONCE A LOCAL PLAN, AND ZONING AND DEVELOPMENT CODES WITHIN THE PLAN, HAVE BEEN FOUND IN CONFORMANCE WITH THE REGIONAL PLAN, LOCAL GOVERNMENTS MAY ASSUME DEVELOPMENT REVIEW AUTHORITY BY MEMORANDA OF UNDERSTANDING WITH TRPA, SUBJECT TO THE FOLLOWING

LIMITATIONS:

1. The TRPA Governing Board shall annually review each conforming Local Plan and a sample of permits issued within each Local Plan, and shall certify that the Local Plans are being implemented in Conformance with the Regional Plan. If the TRPA Governing Board finds that development that has been permitted within a Local Plan does not comply with the conforming Local Plan, TRPA may retract delegation of certain permitting authority and implement the conforming Local Plan.
2. Approval of projects within Local Plans shall require a TRPA Finding of Conformance if the project includes any of the following criteria:
 - a. All development within the High Density Tourist District;
 - b. All development permitting gaming;
 - c. All development within 200 feet of the high water mark of Lake Tahoe;
 - d. All development outside Town Centers and Regional Centers that includes Tourist Accommodations Units (TAU) or Commercial Floor Area (CFA) and is greater than 2 stories in height;
 - e. All projects containing more than 50,000 square feet of floor area; or
 - f. All development within the Conservation District
3. All ongoing TRPA development monitoring and reporting requirements are met.

**Note: The RPU Committee unanimously (6-0) supported Policy LU-4.13 on November 15 and 16, 2011.*

LU-4.13 TRPA SHALL TAKE AN ACTIVE ROLE IN ASSISTING WITH THE DEVELOPMENT OF CONFORMING LOCAL PLANS TO HELP ENSURE THAT LOCAL PLANS ARE IN CONFORMANCE WITH TRPA REQUIREMENTS. LOCAL GOVERNMENTS SHALL ALSO SEEK REVIEW AND COMMENT FROM ALL PUBLIC AGENCIES WITH JURISDICTIONAL AUTHORITY AT APPROPRIATE POINTS IN THE PLANNING PROCESS TO ENSURE THAT REQUIREMENTS OF OTHER PUBLIC AGENCIES ARE ADDRESSED. THIS POLICY IS INTENDED TO ENSURE THAT EACH LOCAL PLAN, AND ZONING AND DEVELOPMENT CODES WITHIN THE PLAN, WHEN PRESENTED TO TRPA FOR CONFORMANCE REVIEW AND APPROVAL, WILL HAVE ADDRESSED THE NEEDS AND CONCERNS OF THE COMMUNITY AND WILL BE CONSISTENT WITH ALL APPLICABLE LOCAL, STATE, AND REGIONAL PLAN REQUIREMENTS.

LU-4 Implementation Measures

****Note: The RPU Committee unanimously (6-0) supported LU-4 Implementation Measures 1-4 on November 16, 2011.***

- Amend Chapter 12, 13, 14, the Plan Area Statements and the Land Use Map to incorporate the following seven major land use classifications (Wilderness, Backcountry, Conservation, Recreation, Residential, Mixed-Use and Tourist) and three overlay districts (Town Centers, Regional Centers and the High Density Tourist District).
- Amend the Development Code to reflect the Local Planning process outlined in Goal LU-4.
- Amend the appropriate Plan Area Statement to recognize Tribal ownership of parcels located on the East Shore of Lake Tahoe.
- Amend the Code to state that the Code, the Plan Area Statements, and other adopted plans as amended by the Regional Plan update will remain in effect until superseded by local government plans.

****Note: The RPU Committee directed staff on November 16, 2011 to work on LU-4 Implementation Measure 5 (sub-items 1-3) with the Local Government Committee, then bring recommendations back to the RPU Committee.***

- Amend the Development Code to adopt regional parameters with which all local government plans must be consistent. Include the following parameters:
 - Require local plans to establish baseline information and conditions of all Thresholds, and identify how Threshold attainment will be enhanced;
 - Incorporate environmental improvement projects needed to meet environmental thresholds in local plans;
 - Require monitoring and reporting requirements for Local Plans; and
 - Require that Local Plans include development standards that are consistent with criteria in the table below:

LAND USE CLASSIFICATIONS AND DESIGNATIONS

Regional Parameters	Wilderness	Backcountry	Conservation	Recreation	Residential	Mixed-Use	Town Center	Regional Center	Tourist	High Density Tourist District
Height	NA	Existing	Existing	Existing	Existing	Existing for each use type	Up to 4 stories (56 ft) max with adoption of a Local Plan	Up to 6 stories (95 ft) max with adoption of a Local Plan	Existing including Special Height District	Up to 197' max with adoption of a Local Plan
Density SFD	NA	Existing (1 unit per parcel unless greater than 1 acre)								
Density MFD	NA	Existing	Existing	Existing	Existing except Local Plans may identify a higher density transition areas adjacent to Mixed-Use and Town Centers	Existing	Residential and TAUs with more than 10% of units with kitchens up to 25 units/ac, Tourist up to 40 units/ac (less than 10% of units with kitchens) with adoption of a Local Plan.	Residential and TAUs with more than 10% of units with kitchens up to 25 units/ac, Tourist up to 40 units/ac (less than 10% of units with kitchens) with adoption of a Local Plan.	Existing	Residential and TAUs with more than 10% of units with kitchens up to 25 units/ac, Tourist up to 40 units/ac (less than 10% of units with kitchens) with adoption of a Local Plan.
Land Coverage	Existing	Existing	Existing	Existing	Existing	Existing and a maximum of 70% in districts with an adopted community plan.	Maximum of 70%.	Maximum of 70%.	Maximum of 70%.	Maximum of 70%.
Complete Streets	Existing	Existing	Existing	Existing	Existing	Existing	Continuous sidewalks and other pedestrian amenities on both sides of streets with connections to the planned trail network and planned bike lanes.	Continuous sidewalks and other pedestrian amenities on both sides of streets with connections to the planned trail network and planned bike lanes.	Existing	Continuous sidewalks and other pedestrian amenities on both sides of streets with connections to the planned trail network and planned bike lanes.