

# **Chapter 1 Introduction and General Provisions**

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## **1.01 Purpose**

- A. The Tahoe Regional Planning Agency (TRPA) and Placer County have found that there is a mutually beneficial need to provide Placer County, and other local jurisdictions, the option to prepare and implement Area Plans, provided such Area Plans conform with and further the Goals and Policies of the TRPA Regional Plan.
- B. These Area Plan Regulations implement development standards and guidelines in accordance with goals, policies and programs of the Regional Plan and the Area Plan.
- C. The Placer County Tahoe Basin Area Plan (Area Plan), in association with a Memorandum of Understanding (MOU) approved by the County and TRPA, enables TRPA to delegate limited development permitting authority to the County subject to appeal provisions to TRPA.
- D. The delegation of approval of certain development activities set forth in the Area Plan and MOU has been found to not have a substantial effect on the natural resources in the Tahoe Region. Permitting authority as allowed and set forth in an MOU enables TRPA to focus its resources on projects of regional concern, while still maintaining an active and effective oversight role in the implementation of Area Plans.

## **1.02 Authority**

Pursuant to the TRPA Regional Plan and Code of Ordinances, Chapter 13, Area Plans, the County adopts the regulations in this document to implement the Area Plan in the portions of Placer County located within the Lake Tahoe Regional Planning area.

## **1.03 Applicability**

The provisions of this document apply to all land uses, development, and projects occurring within the Placer County Tahoe Basin Area Plan area. The boundaries of the Area Plan include all land within Placer County under the jurisdiction of TRPA.

- A. All development within the Tahoe Region is required by federal and State law to comply with the Tahoe Regional Planning Compact (Public Law 96-551), Regional Plan, Code of Ordinances, and other provisions of TRPA.
- B. No Area Plan may limit TRPA's responsibility to enforce the Tahoe Regional Planning Compact, Regional Plan, TRPA Code of Ordinances, or other plan or regulation adopted by TRPA.
- C. All regulations of the TRPA Code of Ordinances shall remain in effect unless superseded by the provisions of this Area Plan. This document supersedes Chapter 36, Design Standards, of the TRPA Code of Ordinances in the Mixed Use Subdistricts. This document supersedes Chapter 34, Driveway and Parking Standards and Chapter 38, Signs, of the TRPA Code of Ordinances in the entire Plan area.
- D. In order to retain long-standing development standards for areas that were within Community Plans prior to adoption of the Area Plan and are not included in the Town Center

Overlay District, provisions of the TRPA Code of Ordinances that apply to Community Plans and Community Plan Areas shall continue to apply.

1. Exceptions to this standard are as follows:
  - a. Chapter 11, Plan Area Statements and Plan Area Maps and Chapter 12, Community Plans, of the TRPA Code of Ordinances do not apply to adopted Area Plans; and
  - b. When standards for Town Centers address the same topic as a TRPA standard for Community Plans, the standards for Town Centers shall apply within the Town Center Overlay District.
2. Zoning subdistricts where TRPA Code of Ordinances Community Plan standards apply are as follows:
  - a. The former Tahoe City Community Plan includes all subdistricts within the Tahoe City Town Center plus the Fairway Service Subdistrict.
  - b. The former Kings Beach Community Plan includes all subdistricts within the Kings Beach Town Center.
  - c. The former North Stateline Community Plan includes the MU-TOR (Mixed Use – Tourist) Subdistrict within the North Stateline Town Center.
  - d. The former Tahoe Vista Community Plan includes the MU-CCW (Mixed Use – Community Center West), MU-CCE (Mixed Use – Community Center East), MU-GW (Mixed Use – Gateway West), and MU-GE (Mixed Use – Gateway East) Subdistricts.
  - e. The former Carnelian Bay Community Plan includes the MU-NC (Mixed Use – Neighborhood Commercial) Subdistrict.
  - f. The former Kings Beach Industrial Community Plan includes the Kings Beach Industrial Subdistrict.
- E. The Placer County Code applies to the area within a conforming Area Plan to the extent that a provision is not in conflict with the TRPA Code of Ordinances or this document.
- F. In case of conflicts between the provisions of this Area Plan and other TRPA Code of Ordinances provisions, the most restrictive provision applies. In all other cases, the Area Plan provisions apply.
- G. Upon adoption, the provisions of the Area Plan will supersede the six Community Plans and 51 Plan Area Statements that were previously adopted by Placer County and TRPA for the area. It will also replace two previously adopted Placer County General Plans.
- H. Upon adoption, the provisions of the Area Plan will supersede the Placer County Standards and Guidelines for Signage, Parking, and Design that were previously adopted as substitute standards for certain areas by Placer County and TRPA.

#### 1.04 Administration

- A. **General.** The General Provisions of the TRPA Code of Ordinances apply within this Area Plan, including Chapter 1, Introduction; Chapter 2, Applicability of the Code of Ordinances; Chapter 3, Environmental Documentation; Chapter 4, Required Findings;

Chapter 5, Compliance; Chapter 6, Tracking, Accounting, and Banking; and Chapter 13, Area Plans.

- B. **Area Plan Memorandum of Understanding.** After TRPA finds that the Placer County Tahoe Basin Area Plan is in conformance with the Regional Plan, TRPA and Placer County shall enter into a Memorandum of Understanding (MOU) that clearly specifies the extent to which the activities within the Area Plan are delegated or exempt from TRPA review and approval, and describes all procedures and responsibilities to ensure effective implementation of the Area Plan. The MOU shall be developed pursuant to Section 13.7, Procedures for Adoption of Memorandum of Understanding, of the TRPA Code of Ordinances.
- C. **Project Review Procedures.** For TRPA project review responsibilities that are delegated to the County through an MOU, the County shall follow all procedures and timelines established in the TRPA Code of Ordinances, the Placer County Zoning Ordinance, and the Area Plan MOU. For project review responsibilities not delegated to the County through an MOU, TRPA and Placer County shall follow their separate review procedures and timelines.
- D. **Monitoring, Certification, and Enforcement of the Area Plan.** The Area Plan MOU shall specify monitoring, certification, and enforcement provisions for the Placer County Tahoe Basin Area Plan pursuant to Section 13.8, Monitoring, Certification, and Enforcement of Area Plan, of the TRPA Code of Ordinances.
- E. **Design Review Required for Commercial and Multi-Family Residential Development, and All Development in Designated Scenic Areas.** No sign installation or construction, renovation, remodeling, reconstruction, demolition, or other alteration of a building, structure, or site shall occur before obtaining design review approval as set forth in Placer County Code Section 17.52.070(D), Procedure for Design Review Approval, of the Placer County Zoning Ordinance.
- F. **Authority to Condition Development Permits.**
  - 1. Whenever these regulations or TRPA Code of Ordinances authorizes an advisory or decision-making official or entity to condition applications for development permits, the official or entity, after review of the application and other pertinent documents and any evidence made part of the record of the public hearing, may, in addition to those standards and special conditions required for particular types of development permits, impose additional conditions reasonably necessary to assure the following:
    - a. Conformity with the Goals and Policies embodied in the TRPA Regional Plan and Code of Ordinances;
    - b. Conformity with standards which are generally or specially applicable to particular uses, including specific conditions relative to operation of the use;
    - c. Compatibility between the proposed development and adjacent development and neighborhoods;
    - d. Preservation of the character and integrity of adjacent development and neighborhoods; and

- e. Protection of the health, safety, and general welfare of the citizens of the County.
  2. Where additional conditions are imposed, the official or entity imposing the conditions shall make findings which embody the basic purpose of the conditions placed on the application. The conditions imposed by an advisory or decision-making official or entity may be modified subsequently by the final decision-making body or by the appellate body upon appeal of those conditions.
- G. **Activities Requiring TRPA Approval.** Projects that meet one of the following criteria require review and approval by TRPA and may not be delegated by the MOU:
  1. All development within the Conservation and Backcountry Districts, as shown on Map 1, Conceptual Regional Land Use Map, of the TRPA Regional Plan.
  2. All development within the Shorezone of Lake Tahoe.
  3. All development within a Town Center meeting the following criteria:
    - a. Residential projects with 50,000 or more square feet of new building floor area.
    - b. Nonresidential projects with 40,000 or more square feet of new building floor area.
  4. All development not in a Town Center meeting the following criteria:
    - a. Residential projects with 25,000 or more square feet of new building floor area.
    - b. Nonresidential projects with 12,500 or more square feet of new building floor area.
  5. Any projects with non-contiguous project sites (also see Section 2.09.A.3 of this document).
- H. **Appeals.** An “aggrieved person” as defined in Article VI(j)(3) of the Tahoe Regional Planning Compact, by a final determination on a development permit by the County made pursuant to TRPA’s delegated authority, may appeal to TRPA pursuant to Section 13.9, Appeals, of the TRPA Code of Ordinances.
- I. **Exhaustion Required.** Appellants shall exhaust all administrative remedies provided by the Placer County prior to appealing a decision to TRPA (see Placer County Code Sections 16.04.090 and 17.60.110).
- J. **Expiration of Approvals.** All entitlement approvals shall expire if they do not meet the provisions of Section 2.2.4, Expiration of TRPA Approvals, of the TRPA Code of Ordinances and Section 17.58.160, Permit Time Limits, Exercising of Permits, and Extensions, of the Placer County Zoning Ordinance (see Placer County Code Section 16.12.120 and 16.24.070).
- K. **Amendment to the Area Plan.**
  1. Applications for an amendment to the Area Plan or its implementing Regulations, including Zoning Map amendments, shall be processed according to the procedures of 17.60.090, Chapter or Plan Amendments and Rezoning, of the Placer County Zoning Ordinance.

2. As part of the application review process, the County shall forward the proposed amendment to TRPA for review in accordance with Section 13.8.1, Notification to TRPA of Proposed Activities Requiring Public Notification in Area Plans, of the TRPA Code of Ordinances, and as further specified in the Area Plan MOU.
  3. If an amendment is approved by the County, the approved Area Plan amendment shall be reviewed by the TRPA Advisory Planning Commission and Governing Board for conformity with the requirements of the Regional Plan in accordance with Section 13.6.6, Conformity Review for Amendments to Area Plans, of the TRPA Code of Ordinances.
- L. **Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan.** If TRPA approves an amendment to the Regional Plan that would also require amendment of the Placer County Tahoe Basin Area Plan to maintain conformity, Placer County shall amend the Area Plan within one year to demonstrate conformity with the TRPA amendment in accordance with Section 13.6.7, Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan, of the TRPA Code of Ordinances.

#### 1.05 Planning

- A. **TRPA Regional Plan Maps.** TRPA and the County shall continue to coordinate Geographic Information Systems (GIS) data to ensure that both agencies have access to the official TRPA maps listed in Chapter 10, TRPA Regional Plan Maps, of the TRPA Code of Ordinances, as well as other information necessary to implement conforming Area Plans.
- B. **Plan Area Statements and Community Plans.** The provisions of Chapter 11, Plan Area Statements and Plan Area Maps, and Chapter 12, Community Plans, of the TRPA Code of Ordinances shall not be applicable once the Placer County Tahoe Basin Area Plan is adopted.
- C. **Area Plans.** The County, in coordination with TRPA, shall process all modifications to the Placer County Tahoe Basin Area Plan, in accordance with Chapter 13, Area Plans, of the TRPA Code of Ordinances.
- D. **Specific and Master Plans.** TRPA, in coordination with the County, shall process all requests for specific and master plans in accordance with Chapter 14, Specific and Master Plans, of the TRPA Code of Ordinances.
- E. **Environmental Improvement Program.** TRPA is responsible for coordinating the Environmental Improvement Program as discussed in Chapter 15, Environmental Improvement Program, of the TRPA Code of Ordinances. The County is responsible for developing and implementing Environmental Improvement Projects to assist in the attainment and maintenance of the Environmental Threshold Carrying Capacities.
- F. **Regional Plan and Environmental Threshold Review.** TRPA is responsible for conducting regional plan and environmental threshold review in accordance with Chapter 16, Regional Plan and Environmental Threshold Review, of the TRPA Code of Ordinances.
- G. **Types of Permits Required.** When the tables in Chapter 2 of these Regulations show a particular land use as being allowable within a subdistrict, the use is identified as being subject to one of the land use permit requirements listed below. The permit requirements reflect Placer County procedures and assume that permitting has been delegated to Placer

County through an Area Plan MOU. For projects not subject to delegated permitting, Allowed (“A” uses) and Administrative Review Permits (“C” uses) shall be processed as TRPA Allowed (A) uses in accordance with Section 21.2.1, Allowed Uses, of the TRPA Code of Ordinances; and Minor Use Permits (“MUP” uses) and Conditional Use Permits (“CUP” uses) shall be processed as TRPA Special (S) uses in accordance with Section 21.2.2, Special Uses, of the TRPA Code of Ordinances. Land uses that are not listed on the tables in Chapter 2, or are not shown in a particular subdistrict, are not allowed.

1. **Allowed (A).** These uses are allowable subject to Zoning Clearance (“A” uses on the tables). Zoning Clearance is a routine land use approval that involves Placer County Planning Services Division staff checking a proposed development to ensure that all applicable zoning requirements will be satisfied (e.g., setbacks, height limits, parking requirements). Zoning Clearance is required by these Regulations for land uses that are consistent with the basic purposes of the particular district or subdistrict (e.g., houses in residential zones), and are unlikely to create any problems that will not be adequately handled by the applicable requirements.
2. **Administrative Review Permit (C).** These uses are allowable subject to approval of an Administrative Review Permit (see Placer County Code Section 17.58.100). Administrative Review Permit approval is required for certain land uses that are generally consistent with the purposes of the subdistrict, but could create minor problems for adjoining properties if they are not designed with sensitivity to surrounding land uses. The purpose of an Administrative Review Permit is to allow Placer County Planning Services Division staff and the Placer County Zoning Administrator to evaluate a proposed use to determine if problems may occur, to work with the project applicant to adjust the project through conditions of approval to solve any potential problems that are identified, or to disapprove a project if identified problems cannot be acceptably corrected.
3. **Minor Use Permit (MUP).** These uses are allowable subject to approval of a Minor Use Permit (“MUP”) (Placer County Code Section 17.58.120). Minor Use Permit approval is required for certain land uses that are generally consistent with the purposes of the subdistrict, but could create problems for adjoining properties, the surrounding area, and their populations if such uses are not designed to be compatible with surrounding land uses. The purpose of a Minor Use Permit is to allow Placer County Planning Services Division staff and the Placer County Zoning Administrator to evaluate a proposed use to determine if problems may occur, to provide the public with an opportunity to review the proposed project and express their concerns in a public hearing, to work with the project applicant to adjust the project through conditions of approval to solve any potential problems that are identified, or to disapprove a project if identified problems cannot be acceptably corrected.
4. **Conditional Use Permit (CUP).** These uses are allowable subject to approval of a Conditional Use Permit (“CUP”) (Placer County Code Section 17.58.130). Conditional Use Permit approval is required for certain land uses that may be appropriate in a subdistrict, depending on the design of the individual project and the characteristics of the proposed site and surroundings. Such uses can either raise major land use policy issues or could create serious problems for adjoining properties, the surrounding area, and their populations if they are not appropriately located and designed. The purpose of a Conditional Use Permit is to

allow Placer County Planning Services Division staff and the Placer County Planning Commission to evaluate a proposed use to determine if problems may occur, to provide the public with an opportunity to review the proposed project and express their concerns in a public hearing, to work with the project applicant to adjust the project through conditions of approval to solve any potential problems that are identified, or to disapprove a project if identified problems cannot be acceptably corrected.

**1.06 Definitions of Terms and Uses**

- A. **Terms.** The terms used in this document are defined in the TRPA Code of Ordinances, Chapter 90, Definitions.
- B. **Uses.** Land Uses in this document are defined in Chapter 21, Permissible Uses, of the TRPA Code of Ordinances.
- C. **Shorezone Uses.** Shorezone Uses in this document are defined in Chapter 81, Permissible Uses and Structures in the Shorezone and Lakezone, of the TRPA Code of Ordinances.

*Placer County*

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