APPENDIX DD

MEMORANDUM OF UNDERSTANDING
BETWEEN TAHOE REGIONAL PLANNING AGENCY
AND THE COUNTY OF PLACER
APRIL 1997

This Memorandum of Understanding is entered into this 23rd day of April, 1997 by and between the TAHOE REGIONAL PLANNING AGENCY (TRPA), through its Executive Director as authorized by the Governing Board, and the COUNTY OF PLACER (COUNTY), by and through its Board of Supervisors.

All activities described in this Memorandum of Understanding (MOU) shall be in accordance with the Regional Plan package of TRPA as adopted by Ordinance No. 89-9, as amended from time to time. All activities undertaken by the COUNTY pursuant to the MOU shall comply with all provisions of the TRPA Code of Ordinances (Code), as it may be amended from time to time, except for the procedural provisions replaced by this MOU, and such guidelines as may be adopted by TRPA.

This MOU sets forth the responsibilities of the parties with regard to the regulation of signage and related activities, in accordance with the desire of the parties to provide a regulatory structure which is consistent with the most efficient possible use of public resources.

RECITALS

A. TRPA is required by the Tahoe Regional Planning Compact (P.L. 96-551, 94 Stat. 3233, Cal. Govt. Code 66801; NRS 277.200) to regulate activities within the Tahoe Basin which may have a substantial effect on the natural resources of the Basin. The bistate Compact, Article VI(a) required TRPA to define which activities are exempt from TRPA review and approval.

B. Given the existing comprehensive regulatory structure of the COUNTY as it pertains to the installation of signs within the area encompassed by TRPA and the Placer County adopted Community Plans (hereafter referred to as "Community Plans"), and consistent with the mandate of the Compact to defer land use regulation to local government wherever feasible, the COUNTY and TRPA agree that the COUNTY shall review signage and related activities within the Community Plans' boundaries. Such review by the COUNTY shall include application of all applicable TRPA regulations to signage projects otherwise subjected to TRPA review. As long as the applicable TRPA regulations are being complied with and enforced, such activities shall be deemed an exempt activity under TRPA regulations.
IT IS NOW THEREFORE UNDERSTOOD AND AGREED BY THE PARTIES:

1. Effective April 23, 1997, signage reviewed and approved by the County, consistent with Chapter 26 of the Code as amended by Chapter 18 of Placer County Design Standards and Guidelines, shall be exempt from TRPA review except as set forth in paragraphs 2 and 3 below. All applications for signage and related activities will be reviewed by the County through its normal and customary review process, including the review and recommendations of the local design review committee, and final action by County staff (Design/Site Review Committee [D/SRC]), except for signs or other activities exempt by statute from County review, in which case TRPA shall review said signs. In the event the County is not able to determine whether or not an application is to be reviewed by the County or TRPA, the County shall consult TRPA consistent with provisions established for that purpose by the County Manager or his designee and the Executive Director or his designee.

2. Amortization of signs pursuant to the Chapter 26 schedule will be the sole responsibility of TRPA to administer and enforce in accordance with the provisions of Chapter 26.

3. The COUNTY and TRPA shall jointly review all proposed sign projects involving exemptions or exceptions from any provision of the Sign Ordinance for "Community Plans" or involving any additional or relocation of land coverage. These projects shall be subject to the procedures established for joint review of such applications by the Placer County Manager or his designee and the Executive Director or his designee.

4. The COUNTY and TRPA staff shall review semi-annually the implementation of this MOU and shall report to their respective governing boards following such reviews.

5. The COUNTY shall perform compliance inspections to ensure that the sign and projects activities permitted under this MOU are constructed in accordance with the plans previously submitted and approved.

   The COUNTY shall have authority and responsibility to take any and all administrative steps to enforce the standards of the adopted ordinances as authorized by this MOU, including the processing of Code violations involving unpermitted sign activities.

   In the event litigation is necessary to enforce provisions of the TRPA Code, the COUNTY shall contact TRPA Legal Counsel. If a show cause hearing is required, the COUNTY is authorized to institute legal action.

   In the event an applicant desires to appeal any administrative action or decision on the part of the COUNTY, acting on behalf of TRPA, such appeal shall be to TRPA.

6. Any exempt activity set forth herein shall be considered a project requiring TRPA review if the Executive Director of TRPA determines that, because of unusual circumstances or failure to comply with this MOU, the activity may have a substantial effect on the land, air, water, space, or any other natural resource of the region.
7. This MOU shall continue until sixty (60) days' written notice of termination is given by either party. Both parties hereby agree to cooperate in good faith to carry out the provisions of this MOU to achieve the objectives set forth in the Recitals herein.

8. None of the duties set forth in this MOU shall be assigned, transferred, or subcontracted by the COUNTY without the prior written approval of TRPA.

9. None of this MOU shall be construed to limit the authority of the COUNTY to administer state or local regulations or to impose reasonable conditions of approval on any application. Further, nothing in this MOU shall be deemed to limit the regulatory powers of either the COUNTY or TRPA.

10. In carrying out the intent of this MOU, the COUNTY and TRPA shall adhere to all provisions contained within TRPA Code Chapter 38 relating to accounting and tracking of coverage and any other applicable procedures. All project accounting and tracking shall be completed by the COUNTY and transmitted to TRPA to be included in its permanent accounting and tracking records. In carrying out the provisions of this MOU, the COUNTY shall utilize tracking forms provided by TRPA to record all inspections, verifications, and other project review activities. The COUNTY shall submit completed tracking forms to TRPA on a monthly basis.

COUNTY OF PLACER

DATED: [Signature]

Rex Bloomfield, Chairman
Board of Supervisors

TAHOE REGIONAL PLANNING AGENCY

DATED: 5-11-97

James W. Baetge, Executive Director