

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2021-___

AN ORDINANCE UPDATING AIR QUALITY THRESHOLD STANDARD 14
TO ESTABLISH AND REFLECT THE REGIONAL GOALS OF PROMOTION
OF MOBILITY, REDUCE GREENHOUSE GAS EMISSIONS, AND REDUCE
DEPENDENCY ON THE AUTOMOBILE.

The Governing Board of the Tahoe Regional Planning Agency does ordain as follows:

Section	Findings
1.00	
1.05	The Tahoe Regional Planning Compact (P. L. 96-551, 94 Stat. 3233, 1980) created the Tahoe Regional Planning Agency (TRPA) and empowered it to set forth environmental threshold carrying capacities (“threshold standards”) for the Tahoe Region.
1.10	The Compact defines “environmental threshold carrying capacity” as “an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region”.
1.15	The Compact directs TRPA to adopt and enforce a Regional Plan that, as implemented through agency ordinances, rules and regulations, will achieve and maintain such threshold standards while providing opportunities for orderly growth and development consistent with such thresholds.
1.20	The Compact further requires that the Regional Plan attain and maintain federal, state, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.
1.35	In August 1982, pursuant to Compact Article V(c), the TRPA Governing Board adopted Resolution 82-11, which set forth in its Exhibit A the threshold standards for the Tahoe Region.
1.30	Compact Art. V(c) states that the TRPA Governing Board and Advisory Planning Commission shall continuously review and maintain the Regional Plan. Resolution 82-11 also states that TRPA should review and update the threshold standards from time to time.

- 1.35 In April 2019, the TRPA Governing Board adopted Ordinance 2019-03, superseding and replacing Resolution 82-11 by collocating the environmental threshold standards with the Regional Plan Goals and Policies.
- 1.40 Ordinance 2019-03 specified numerical standards, management standards, and policy statements to assist in the achievement and maintenance of such thresholds standards.
- 1.45 Ordinance 2019-03 states that the established threshold standards serve as the basis for a long-term program to protect and enhance the significant environmental values of the Tahoe Region and that said “program will be reviewed from time to time to ensure its consistency with the currently available scientific evidence and technical and other information.”
- 1.50 Ordinance 2019-03 requires the amendment of the pertinent threshold standard where scientific evidence and technical information indicate: (1) two or more threshold standards are mutually exclusive; (2) substantial evidence to provide a basis for a threshold standard does not exist; (3) a threshold standard cannot be achieved; or (4) a threshold standard is not sufficient to maintain a significant value of the Region or additional threshold standards are required to maintain a significant value.
- 1.55 TRPA has determined that the threshold standard (Air Quality Threshold Standard 14) to be amended meets the criteria of Ordinance 2019-03, and, further, TRPA may amend the threshold standards pursuant to its discretion as provided in the Compact.
- 1.60 It is necessary and desirable to amend TRPA Ordinance 2019-03, as amended, by amending the threshold standard pursuant to Article V(c) and other applicable provisions of the Tahoe Regional Planning Compact.
- 1.65 TRPA has made the necessary findings required by Article V of the Compact, Chapter 4 of the Code, and all other applicable rules and regulations, and incorporates these findings fully herein.
- 1.70 The Advisory Planning Commission (APC) and Regional Plan Implementation Committee (RPIC) conducted a public hearing on the amendment and issued a recommendation regarding the adoption of the amendment. The Governing Board has also conducted a noticed public hearing on the amendment. At the hearings, oral testimony and documentary evidence were received and considered.
- 1.75 The Governing Board finds that the amendment adopted here will satisfy Compact requirements and that Air Quality Threshold Standard 14 , as amended by this Ordinance, is “necessary to maintain a significant scenic, recreational, educational,

scientific or natural value of the region or to maintain public health and safety within the region.”

- 1.80 The Amendment to Air Quality Threshold Standard 14 adopted by this Ordinance will be achieved and maintained through implementation of TRPA’s Regional Plan as implemented through agency ordinances, rules and regulations.
- 1.82 Nitrogen is a pollutant of concern in the Lake Tahoe Basin, and Air Quality Threshold Standard 14 was adopted in 1982 to reduce in basin nitrogen emissions from the transportation sector.
- 1.84 Current in basin nitrogen emissions from the transportation sector are less than 50% of what they were in 1981 and far in exceedance of the 10% reduction established by AQ 14.
- 1.86 Future nitrogen emissions from the transportation sector are likely to decline further as a result of cleaner cars.
- 1.90 Air Quality Threshold Standard 14 lacks a quantifiable baseline, and no longer conforms to the adopted requirements for a threshold standard.
- 1.92 Existing Air Quality Threshold Standard 14 reads as follows: (AQ14) Reduce vehicle miles of travel in the Basin by 10% of the 1981 base year values.”
- 1.94 Each of the foregoing findings is supported by substantial evidence in the record.

Section

2.00 – Update of Air Quality Threshold Standard 14

- 2.10 As amended, Air Quality Threshold Standard 14 sets forth an efficiency based VMT standard that better aligns with identified policies goals and affords consistency with California and Nevada state policies with respect to greenhouse gas emissions reduction and aligns with and is responsive to meaningful change in the regional land use and the transportation system.
- 2.20 Now, therefore, existing Air Quality Threshold Standard 14 is hereby amended to read as follows: “Transportation and Community Sustainability 1) A 6.8% reduction in per capita VMT from the 2018 baseline by 2045 and interim reduction targets to assess progress.”

3.00 – Interpretation and Severability

3.10 The provisions of this ordinance adopted hereby shall be liberally construed to affect their purpose. If any section, clause, provision, or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. For this purpose, the provisions of this ordinance are hereby declared respectively severable.

4.00 – Effective Date

4.10 The provisions of this ordinance shall be effective immediately upon adoption.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held _____ by the following vote:

Ayes:

Nays:

Abstain:

Absent:

Mark Bruce, Chair
Tahoe Regional Planning Agency
Governing Board