

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2021-___

AN ORDINANCE AMENDING ORDINANCE 2019-03, AS AMENDED, TO
ADOPT WASHOE COUNTY'S TAHOE AREA PLAN

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

Section 1.0 Findings

- 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 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.

- 1.15 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.

- 1.20 Compact Art. V(c) states that the TRPA Governing Board and Advisory Planning Commission shall continuously review and maintain the Regional Plan.

- 1.25 In June 1987, the TRPA Governing Board adopted Ordinance 87-9, which established the Regional Plan and included, amongst other things, the Goals & Policies and the Code of Ordinances ("Code").

- 1.30 In April 2019, the TRPA Governing Board adopted Ordinance 2019-03, superseding portions of Ordinance 87-9 by collocating the environmental threshold standards with the Regional Plan Goals and Policies.

- 1.35 It is necessary and desirable to amend TRPA Ordinance 2019-03, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by amending the Goals & Policies pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact in order to accelerate attainment and ensure maintenance of the threshold standards.

- 1.40 It is necessary and desirable to amend the TRPA Code of Ordinances ("Code") to effectuate the amendments to the Goals & Policies pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.

- 1.45 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.

- 1.50 The Advisory Planning Commission (APC) and Regional Plan Implementation Committee (RPIC) conducted public hearings on the amendments and recommended adoption of these amendments. The Governing Board has also conducted a noticed public hearing on the amendments. At these hearings, oral testimony and documentary evidence were received and considered.
- 1.55 The Governing Board finds that the amendments adopted here will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.
- 1.60 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.0 Amendment of the TRPA Regional Plan Goals and Policies

- 2.10 Ordinance 2019-03, as previously amended, is hereby amended by adopting the Washoe County Tahoe Area Plan, as shown in Attachment B and fully incorporated herein.

Section 3.0 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.

Section 4.0 Effective Date

- 4.10 The provisions of this ordinance shall be effective 60 days after 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

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2021-___

AN ORDINANCE AMENDING ORDINANCE 87-9, AS AMENDED, TO ADOPT
AMENDMENTS TO CHAPTERS 34, 36, AND 38 OF THE TRPA CODE OF
ORDINANCES TO REFLECT THE ADOPTION OF WASHOE COUNTY'S
TAHOE AREA PLAN

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

Section 1.0

Findings

- 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 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.
- 1.15 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.
- 1.20 Compact Art. V(c) states that the TRPA Governing Board and Advisory Planning Commission shall continuously review and maintain the Regional Plan.
- 1.25 In June 1987, the TRPA Governing Board adopted Ordinance 87-9, which established the Regional Plan and included, amongst other things, the Goals & Policies and the Code of Ordinances ("Code").
- 1.30 It is necessary and desirable to amend TRPA Ordinance 2019-03, as amended, which ordinance relates to the Regional Plan of the Tahoe Regional Planning Agency (TRPA) by amending the Goals & Policies pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact in order to accelerate attainment and ensure maintenance of the threshold standards.
- 1.35 It is necessary and desirable to amend the TRPA Code of Ordinances ("Code") to effectuate the amendments to the Goals & Policies pursuant to Article VI(a) and other applicable provisions of the Tahoe Regional Planning Compact.
- 1.40 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.

- 1.45 The Advisory Planning Commission (APC) and Regional Plan Implementation Committee (RPIC) conducted public hearings on the amendments and recommended adoption of these amendments. The Governing Board has also conducted a noticed public hearing on the amendments. At these hearings, oral testimony and documentary evidence were received and considered.
- 1.50 The Governing Board finds that the amendments adopted here will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.
- 1.55 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.0 Amendment of the TRPA Regional Plan Goals and Policies

- 2.10 Ordinance 87-9, as previously amended, is hereby amended as set forth in Exhibit 1 attached hereto.

Section 3.0 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.

Section 4.0 Effective Date

- 4.10 The provisions of this ordinance shall be effective 60 days after 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

EXHIBIT 1

AMENDMENTS TO CHAPTERS 34, 36, AND 38

(1) Subsection 34.2.4, *Washoe County Substitutions*, shall be amended to read as follows:

CHAPTER 34: DRIVEWAY AND PARKING STANDARDS

34.2 APPLICABILITY

34.2.4. Washoe County Substitutions

The ~~*Signage, Parking, and Design Standards and Guidelines for the Community Plans of Washoe County*~~ *Tahoe Area Plan Design Standards and Guidelines, April 1996* *May 2021*, shall apply to the ~~North Stateline~~ Crystal Bay Tourist, Incline Village Commercial, Incline Village Tourist, and Ponderosa Ranch ~~Community Plans~~ districts, ~~until such time as they may be superseded by standards in an approved Area Plan.~~

(2) Subsection 36.2.2, Subparagraph D, shall be amended to read as follows:

CHAPTER 36: DESIGN STANDARDS

36.2 APPLICABILITY

36.2.2. Substitute Standards

TRPA may adopt equal or superior substitute design standards pursuant to an Area Plan, community plan, redevelopment plan, specific plan, or master plan. Substitute design standards shall not apply to the review procedures and standards for projects in the shoreland. Appropriate provisions of TRPA's Design Review Guidelines and Scenic Quality Improvement Program may be considered as conditions of project approval. Substitute standards adopted by TRPA are listed below.

D. Washoe County Substitutions

The ~~*Signage, Parking, and Design Standards and Guidelines for the Community Plans of Washoe County*~~ *Tahoe Area Plan Design Standards and Guidelines, November 1996* *May 2021*, shall apply to the ~~North Stateline~~ Crystal Bay Tourist, Incline Village Commercial, Incline Village Tourist, and Ponderosa Ranch ~~Community Plans~~ districts.

(3) Subsection 38.2.3, Subparagraph D.4 shall be amended to read as follows:

CHAPTER 38: SIGNS

38.2 APPLICABILITY

38.2.3. Substitution of Standards

TRPA may adopt a substitute sign ordinance that supersedes the standards of this chapter for use in a local jurisdiction or in a community plan area. Substitute standards adopted by TRPA are listed in subparagraph D below.

D. TRPA-Approved Substitutions

4. Washoe County

The ~~Signage, Parking, and Design Standards and Guidelines for the Community Plans of Washoe County~~ Tahoe Area Plan Design Guidelines and Standards (November 1996, May 2021) shall apply to the ~~North Stateline~~ Crystal Bay Tourist, Incline Village Commercial, Incline Village Tourist, and Ponderosa Ranch ~~Community Plans~~ districts.