

Attachment E

Adopting Ordinance for Amendments to the TRPA Code of Ordinances, Rules of Procedure, and Design
Review Guidelines

Adopting Resolution to the TRPA Fee Schedule

TAHOE REGIONAL PLANNING AGENCY
TRPA ORDINANCE NO. 2023 –

AN ORDINANCE AMENDING ORDINANCE 87-9, AS AMENDED, TO ADOPT AMENDMENTS TO TRPA CODE OF ORDINANCES CHAPTERS 2, 30, 37, 50, 60, 65, 66, 67, 82, 84, AND 90; RULES OF PROCEDURE ARTICLES 5, 10, 12, AND 16; AND DESIGN REVIEW GUIDELINES APPENDIX H TO IMPLEMENT PROPOSED RECOMMENDATIONS TO THE TRPA PERMITTING SYSTEM AND OTHER MATTERS RELATED THERETO.

The Tahoe Regional Planning Agency’s Governing Board 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 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.
1.30	It is necessary and desirable to amend TRPA Ordinance 87-9, as previously amended, as it relates to the Regional Plan of TRPA by amending the Regional Plan 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	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 a public hearing on the amendments and issued a recommendation regarding the adoption of these amendments. The Governing Board has also conducted a noticed public hearing on the amendments. At the 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 will achieve and maintain 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 Findings
2.00 – Amendment of TRPA Regional Plan and Code of Ordinances

2.10 The TRPA Regional Plan and TRPA Code of Ordinances is hereby amended to include the amendments to TRPA Code of Ordinances Chapters 2, 30, 37, 50, 60, 65, 66, 67, 82, 84, and 90; Rules of Procedure Articles 5, 10, 12, and 16; and Design Review Guidelines Appendix H to implement proposed recommendations to the TRPA permitting system as shown in Exhibit 1.

Section Findings
3.00 – Interpretation and Severability

3.10 The provisions of this ordinance adopted hereby shall be liberally constructed 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 Findings
4.00 – Effective Date

4.10 The provisions of this ordinance shall be effective on XXXX XX, 2023.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency this ____ day of _____, 2023, by the following vote:

Ayes:
Nays:
Absent:

Cindy Gustafson, Chair
Tahoe Regional Planning Agency
Governing Board

TAHOE REGIONAL PLANNING AGENCY
TRPA RESOLUTION NO. 2023 –

RESOLUTION OF THE TAHOE REGIONAL PLANNING AGENCY
TO AMEND THE TRPA FEE SCHEDULE

WHEREAS, the Tahoe Regional Planning Agency (TRPA) is required under the TRPA Compact and the Regional Plan and Code of Ordinances to review projects, and reasonable fees must be charged to reimburse the Agency for such review costs; and

WHEREAS, the filing fees adjusted or created pursuant to this resolution are compensatory, cover the actual cost of providing services in reviewing and processing project applications, bear a direct relationship to the cost of administering the Agency's ordinances, and do not raise revenue in excess of the cost of such services.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency, pursuant to the authority contained in Article VII(e) of the Tahoe Regional Planning Compact and Section 10.7 of the Rules of Procedure of said Agency, that the fees to be charged and collected for the filing of applications for all projects, activities and environmental documents to be reviewed or approved, or both, by the Agency shall be in accordance with the schedule thereof set forth in Attachment B as provided and incorporated herein by this reference and shall become effective _____, 2023.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency this _____ day of _____, 2023, by the following vote:

Ayes:
Nays:
Absent:

Cindy Gustafson, Chair
Tahoe Regional Planning Agency
Governing Board