

TAHOE REGIONAL PLANNING
AGENCY ORDINANCE 2022 – 04

AN AMENDMENT TO ORDINANCE NO. 87-9, AS AMENDED, TO AMEND THE TRPA CODE OF ORDINANCES, CHAPTERS 84 AND 2 REGARDING THE AUTHORIZATION OF EXISTING BUOY FIELDS AND ADMINISTRATIVE APPROVAL FOR NEW MOORING BUOYS ON ELIGIBLE PRIVATE, SINGLE-FAMILY LITTORAL PARCELS.

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

Section 1.00 Findings

- 1.10 It is desirable to amend TRPA Ordinance 87-9, as previously amended, by amending the TRPA Code of Ordinances to further implement the Regional Plan pursuant to Article VI (a) and other provisions of the Tahoe Planning Compact.
- 1.20 The TRPA Code of Ordinances Chapter 61.1 amendments were the subject of an Initial Environmental Checklist (IEC), which was processed in accordance with Chapter 3: *Environmental Documentation* of the TRPA Code of Ordinances and Article VI of the Rules of Procedure. The TRPA Code of Ordinances amendments have been determined not to have a significant effect on the environment and are therefore exempt from the requirement of an Environmental Impact Statement (EIS) pursuant to Article VII of the Compact.
- 1.30 The Advisory Planning Commission (APC) and Governing Board have each conducted a noticed public hearing on the proposed TRPA Code of Ordinances Chapters 84 and 2 amendments. The APC has recommended Governing Board adoption of the necessary findings and adopting ordinance. At these hearings, oral testimony and documentary evidence were received and considered.
- 1.40 The Governing Board finds that the TRPA Code of Ordinances amendments adopted hereby 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.
- 1.50 Prior to the adoption of this ordinance, the Governing Board made findings required by Section 4.6 of the TRPA Code of Ordinances, and Article V (g) of the Compact.
- 1.60 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00 TRPA Code of Ordinances Amendments

Ordinance 87-9, as previously amended, is hereby amended by amending Chapters 84 and 2 of the TRPA Code of Ordinances, as set forth in Exhibit 1.

Section 3.00 Interpretation and Severability

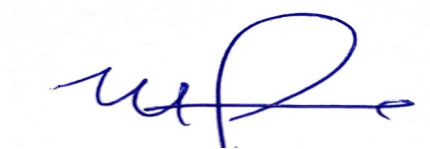
The provisions of this ordinance amending the TRPA Code of Ordinances adopted hereby shall be liberally construed to affect their purposes. If any section, clause, provision, or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance and the amendments to the Regional Plan Package shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments to the Regional Plan Package are hereby declared respectively severable.

Section 4.00 Effective Date

The provisions of this ordinance amending the TRPA Code of Ordinances shall become effective sixty (60) days following adoption of this ordinance.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held on May 25, 2022, by the following vote:

Ayes: Ms. Aldean, Mr. Bruce, Mrs. Cegavske, Ms. Conrad-Saydah, Ms. Faustinos, Mr. Friedrich, Ms. Gustafson, Ms. Hill, Mr. Hoenigman, Mr. Lawrence, Ms. Novasel, Mr. Rice Ms. Williamson, Mr. Yeates



Mark Bruce, Chair
Tahoe Regional Planning Agency,
Governing Board

EXHIBIT 1

PROPOSED AMENDMENTS

2.2.2 Projects and Matters to be Approved by the Governing Board or Hearings Officer

F. Shorezone Projects

1. Governing Board Review

Shorezone projects involving the following require review and approval by the Governing Board:

- a. Tour boat operations (new or expansion);
- b. Waterborne transit (new or expansion);
- c. Seaplane operation (new or expansion);
- d. Marinas (new or expansion);
- e. Boat launching facilities (new or expansion);
- f. Recognition of multiple-use facilities (Section **Error! Reference source not found.**); and

2. Hearings Officer

Shorezone projects involving the following require review and approval by the Hearings Officer:

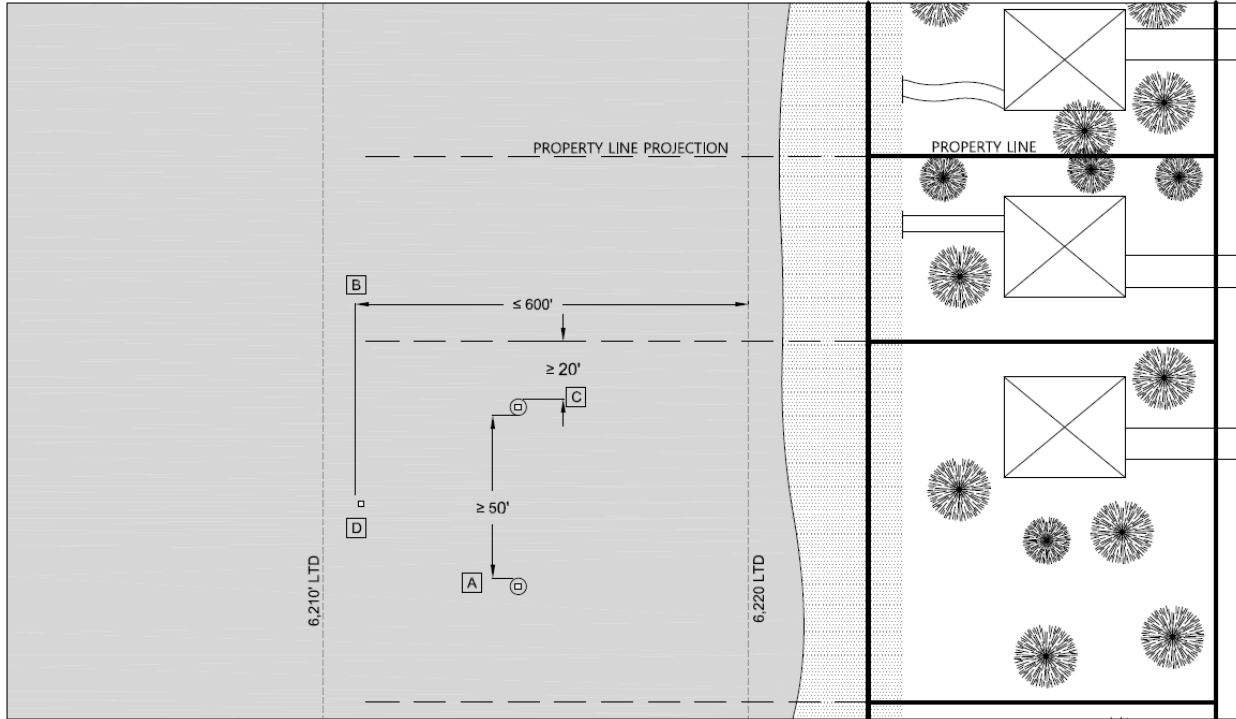
- a. Special use projects (except those identified for Governing Board review) involving changes, expansions or intensifications of existing uses; and
- b. New structures (except those identified for Governing Board review [and new mooring buoys for eligible private, single-family littoral parcels](#)).

84.3.3 Mooring Buoys

E. Buoy Fields.

1. Eligibility.

- a. No additional buoy fields shall be permitted by TRPA.
- b. The total number of homeowners association mooring structures, including buoys within buoy fields, shall not exceed the total number of residential units served by the association.
- c. The total number of buoys allowed within a buoy field shall not exceed the buoy field capacity. The maximum buoy field area, for the purposes of determining capacity, is the length of the littoral property's lake frontage multiplied by a width of 300 feet (Figure 84.3.3-2). The capacity within the calculated buoy field area shall be limited by a 50-foot grid spacing pattern.



- A) BUOYS SHALL BE AT LEAST 50' FROM ANOTHER MOORING BUOY
- B) BUOYS SHALL BE NO GREATER THAN 600' LAKEWARD FROM 6,220 LTD, OR NO FARTHER LAKEWARD THAN 6,210 LTD, WHICHEVER IS LESS
- C) BUOYS SHALL BE AT LEAST 20' FROM LITTORAL PARCEL BOUNDARY PROJECTION LINES
- D) THERE SHALL BE NO MORE THAN 2 MOORINGS BUOYS PER PARCEL, HOWEVER A SINGLE ADDITIONAL BUOY BLOCK IS PERMITTED FOR USE IN LOW-WATER CONDITIONS

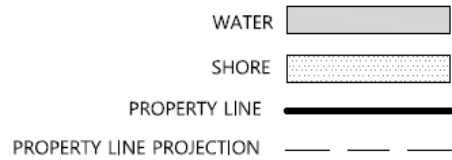


Figure 84.3.3-1. Mooring Buoy Location Standards

2. **Development Standards.** The following provisions apply to additional buoys in legally existing buoy fields. TRPA may allow deviation from these standards based on site-specific conditions, including neighboring uses and structures; State agency compliance; Coast Guard consultation; navigation; substrate, including obstacles; or bathymetry. Buoy fields associated with marinas are also subject to the provisions of subsection 84.6.3.C of this Chapter.
 - a. Buoys within a buoy field shall be located at least 50 feet from all legally existing buoys (50-foot grid spacing);
 - b. Buoys within a buoy field shall be located no greater than 600 feet lakeward from elevation 6,220 feet Lake Tahoe Datum, as measured horizontally; and
 - c. Buoys within a buoy field shall be located at least 20 feet from adjacent littoral parcel boundary projection lines.
3. **Existing Buoys [in a Buoy Field](#).**
 - a) TRPA may authorize existing mooring buoys offshore of a littoral parcel associated with a homeowners association or similar entity, commercial, tourist accommodation, marina, or public use, providing:
 - i. The littoral parcel owner provides a valid buoy permit issued by a federal or state agency with appropriate jurisdiction prior to September 1, 2018; or
 - ii. The littoral parcel owner provides clear evidence of the existence of the buoy(s) prior to February 10, 1972.
 - b) [TRPA may authorize existing mooring buoys associated with a non-littoral homeowner's association or similar entity within the Lake Tahoe region, providing the association provides a valid buoy permit issued by a federal or state agency with appropriate jurisdiction prior to September 1, 2018. Buoy fields associated with a non-littoral homeowner's association may not expand beyond what was previously approved.](#)