

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2019-08

AN AMENDMENT TO ORDINANCE NO. 87-9, AS PREVIOUSLY AMENDED, TO AMEND THE TRPA CODE OF ORDINANCES, CHAPTER 84 TO ESTABLISH PROVISIONS FOR RECOGNITION OF EXISTING BUOYS WITHIN AN EXISTING BUOY FIELD, AND OTHER MATTERS PROPERLY RELATED THERETO

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 by amending the TRPA Code of Ordinances to further implement the Regional Plan pursuant to Article VI (a) and other applicable provisions of the Tahoe Regional Planning Compact.
- 1.20 The TRPA Code of Ordinances 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 the Governing Board have each conducted a noticed public hearing on the proposed TRPA Code of Ordinances 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 the findings required by Section 4.5 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 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 on February 16, 2020

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held on December 18, 2019, by the following vote:

Ayes: Ms. Aldean, Ms. Berkgigler, Mr. Bruce, Mr. Shute, Mr. Cashman, Ms. Novasel, Mr. Wlaschin for Mrs. Cegavske, Ms. Gustafson for Mr. Sevison, Mr. Lawrence, Mr. Yeates, Mr. Rice, Ms. Laine

Absent: Mr. Beyer, Ms. Faustinos



William Yeates, Chair
Tahoe Regional Planning Agency,
Governing Board

EXHIBIT 1

CODE AMENDMENT

Text to be added shown in ~~red with strikeout~~.

Text to be deleted shown in blue with underline.

Add a new Subparagraph E.3 to Subsection 84.3.3 to read as follows:

CHAPTER 84: DEVELOPMENT STANDARDS LAKEWARD OF HIGH WATER IN THE SHOREZONE AND LAKEZONE

84.3. MOORING STRUCTURES

84.3.3. Mooring Buoys

In addition to the general standards in subsection 84.3.2, mooring buoys are subject to the following standards:

E. Buoy Fields.

3. Existing Buoys. 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:
 - a. 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
 - b. The littoral parcel owner provides clear evidence of the existence of the buoy(s) prior to February 10, 1972.