

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2020 - 01

AN AMENDMENT TO ORDINANCE NO. 87-9, AS PREVIOUSLY AMENDED, TO AMEND THE TRPA CODE OF ORDINANCES, CHAPTER 84 REGARDING UTILITY LINES WITHIN STREAM-MOUTH PROTECTION ZONES 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 April 26, 2020.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held on February 26, 2020, by the following vote:

Ayes: Ms. Aldean, Mr. Beyer, Ms. Berkbigger, Ms. Faustinos, Mr. Bruce, Ms. Gustafson, Mr. Cashman, Ms. Laine, Mrs. Cegavske, Ms. Novasel, Mr. Lawrence, Mr. Yeates

Absent: Mr. Shute, Mr. Rice



William Yeates, Chair
Tahoe Regional Planning Agency
Governing Board

REVISED
EXHIBIT 1

CODE AMENDMENT

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

Text to be added shown in blue with underline.

Modify Subparagraph A.1.b of Subsection 84.4.3 to read as follows:

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

84.3. PIERS

84.4.3. Development Standards

A. General Standards

1. Stream-mouth Protection Zones.

- a. Designation Criteria: Stream-mouth Protection Zones shall generally represent the historical meander pattern of creek and rivers tributary to Lake Tahoe that support or could with restoration support migrating populations of fish. The designated area shall include all portions of the shorezone, including areas lakeward, if the designation is a linear distance from the stream-mouth.
- b. Development Restrictions: No additional shorezone structures shall be permitted in Stream-mouth Protection Zones. Maintenance and repairs to existing structures may be allowed; ~~R~~reconstructions, expansions and modifications of existing structures shall be prohibited, except for private water-intake lines and public and quasi-public utilities, such as water, wastewater, power, gas, and communications services. Shorezone structures may only be relocated outside of Stream-mouth Protection Zones if authorized by other provisions of this Code.
- c. Adjustment in Zones: TRPA may adjust a Stream-mouth Protection Zone if an applicant can demonstrate that the location for a proposed project is outside of the historical meander pattern for the applicable stream or river. In order to make the necessary demonstration, the applicant shall select from a list of TRPA-approved experts to conduct an applicant-funded historical meander study.
- d. The placement of a pier shall be prohibited within Stream-mouth Protection Zones of the following creeks and rivers:
 - (i) Third Creek;
 - (ii) Incline Creek;
 - (iii) Wood Creek;
 - (iv) Slaughterhouse Creek;
 - (v) Upper Truckee River;
 - (vi) Taylor Creek;

- (vii) Tallac Creek;
- (viii) Cascade Creek;
- (ix) Eagle Creek;
- (x) Lake Tahoe Tributary at Mouth of Paradise Flat;
- (xi) Lonely Gulch Creek;
- (xii) Meeks Creek;
- (xiii) General Creek;
- (xiv) McKinney Creek;
- (xv) Quail Creek;
- (xvi) Madden Creek;
- (xvii) Blackwood Creek;
- (xviii) Ward Creek;
- (xix) Truckee River;
- (xx) Dollar Creek;
- (xxi) Watson Creek;
- (xxii) Griff Creek;
- (xxiii) Baldy Creek; and
- (xxiv) Snow Creek.