

Attachment C

Adopting Ordinance for Amendments to the TRPA Regional Plan and TRPA Code of Ordinances

TAHOE REGIONAL PLANNING AGENCY
TRPA ORDINANCE NO. 2018 –

AN ORDINANCE AMENDING ORDINANCE 87-9, AS AMENDED, TO ADOPT AMENDMENTS TO TRPA REGIONAL PLAN GOALS AND POLICIES LU-2.1 AND DP-3.7 AND TRPA CODE OF ORDINANCES CHAPTERS 1, 3, 6, 11, 21, 31, 39, 50, 51, 52, AND 90 TO IMPLEMENT PROPOSED CHANGES TO THE DEVELOPMENT RIGHTS SYSTEM AND RESIDENTIAL BONUS UNIT PROGRAM, 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 Regional Plan Goals and Policies LU-2.1 and DP-3.7 and TRPA Code of Ordinances Chapters 1, 3, 6, 11, 21, 31, 39, 50, 51, 52, and 90 to implement proposed changes to the development rights system and residential bonus unit program 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, 201X.

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency this ____ day of _____, 2018, by the following vote:

Ayes:
Nays:
Absent:

James Lawrence, Chair
Tahoe Regional Planning Agency
Governing Board