

Chapter 1

INTRODUCTION TO CODE OF ORDINANCES

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1.0 Purpose: This chapter sets forth the background of the Code of Ordinances ("Code") and the scope of the Code's application to the Tahoe Region.

1.1 Applicability: The Code establishes the minimum standards applicable throughout the Tahoe Region. Any political subdivision or public agency may adopt and enforce an equal or higher requirement applicable to the same subject or regulation in its territory. All projects and activities shall comply with the provisions of the Code.

1.2 Short Title: The Code of Ordinances may be cited and referred to as the "Code."

1.3 Use Of Terms: The word "shall" is mandatory and not permissive.

1.4 General Provisions: The Code represents the coordination of a series of documents relating to land use regulation and environmental protection in the Tahoe Region. The documents are the Tahoe Regional Planning Compact, as amended ("Compact"), the environmental threshold carrying capacities adopted in Resolution 82-11, the Goals and Policies Plan, the Plan Area Statements and Maps, and other TRPA plans and programs.

1.4.A Tahoe Regional Planning Compact As Amended:

- (1) The Compact represents an endeavor by the States of California and Nevada, approved by Congress, to address numerous pressing environmental and other problems facing the Tahoe Region. Originally enacted in 1969 (P.L. 91-148, 83 Stat. 360), the Compact was amended in 1980 (P.L. 96-551, 94 Stat. 3233). The factual background against which the amended Compact was adopted is set forth in Article I(a) where it is declared, among other things, that:

"(1) The waters of Lake Tahoe and other resources of the region are threatened with deterioration or degeneration, which endangers the natural beauty and economic productivity of the region.

(2) The public and private interests and investments in the region are substantial.

(3) The region exhibits unique environmental and ecological values which are irreplaceable.

(4) By virtue of the special conditions and circumstances of the region's natural ecology, developmental pattern, population distribution and human needs, the region is experiencing problems of resource use and deficiencies of environmental control.

(5) Increasing urbanization is threatening the ecological values of the region and threatening the public opportunities for use of the public lands.

(6) Maintenance of the social and economic health of the region depends on maintaining the significant scenic, recreational, educational, scientific natural and public health values provided by the Lake Tahoe Basin.

(7) There is a public interest in protecting, preserving and enhancing these values for the residents of the region and for visitors to the region.

(8) Responsibilities for providing recreational and scientific opportunities, preserving scenic and natural areas, and safeguarding the public who live, work and play in or visit the region are divided among local governments, regional agencies, the States of California and Nevada, and the Federal Government.

(10) In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to insure an equilibrium between the region's natural endowment and its manmade environment."

(2) Article I(b) of the Compact provides:

"In order to enhance the efficiency and governmental effectiveness of the region, it is imperative that there be established a Tahoe Regional Planning Agency with the powers conferred by this compact including the power to establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities."

- 1.4.B Environmental Threshold Carrying Capacities: Article V(b) of the Compact requires TRPA to adopt environmental threshold carrying capacities for the Tahoe Region. Article II (i) of the Compact defines "environmental threshold carrying capacity" as "an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and safety within the region." Thresholds are required to address matters such as air quality, water quality, soil conservation, vegetation preservation and noise. After preparation and review of a study report for establishment of environmental thresholds, as well as an environmental impact statement, the TRPA Governing Board enacted Resolution No. 82-11 on August 26, 1982, adopting environmental threshold carrying capacities for the Tahoe Region.
- 1.4.C Goals And Policies Plan: The Goals and Policies are the core of the Regional Plan. The Goals and Policies plan provide statements of goals and policies to guide decision-making affecting the Region's resources and remaining resource capacities. The Goals and Policies are intended to provide for the attainment and maintenance of the environmental thresholds while providing opportunities for orderly growth and development consistent with the thresholds.
- 1.4.D Code Of Ordinances: The Code is designed, among other things, to implement the Goals and Policies in a manner attaining and maintaining the environmental thresholds. The Code compiles all the ordinances of TRPA into one document except for certain procedural ordinances such as the ordinances adopting plan amendments. The Code addresses many subjects, including, but not limited to, required permits for development, findings required for approval of projects, environmental impact statements, plan area statements, land use, density and coverage, development standards, allocations of development, the Individual Parcel Evaluation System, shorezone, grading and construction practices, resource management, water quality, air quality and transportation.
- 1.5 208 Plan: The portions of the Code inconsistent with the existing Lake Tahoe Basin Water Quality Management Plan (208 Plan) shall not be implemented until the necessary amendments to the 208 Plan are certified by the States of California and Nevada and the Environmental Protection Agency (EPA).
- 1.6 Interpretation And Severability: The provisions of the Code and the Goals and Policies effectuated and implemented by the Code shall be liberally construed to effect their purposes. If any section, clause, provision or portion of the Code, or of the Goals and Policies is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Code or the Goals and Policies, as the case may be, shall not be affected. For this purpose, the provisions of the Goals and Policies are declared respectively severable and the provisions of the Code also are declared severable.

- 1.7 Administrative Fees: All fees authorized and collected pursuant to this Code, and held by TRPA in trust for mitigation purposes, shall be subject to an administrative fee for mitigation fund management. Such administrative fee shall be levied each month by collecting a fixed percentage of the monthly interest generated by each mitigation account. The percentage shall be established by Governing Board resolution, and shall be based on the administrative costs to TRPA for managing the mitigation funds. The provisions in this section shall apply to all such mitigation funds, and shall supersede any limitation in this Code on the use of such interest. §

§ Amended 01/28/98, Section 1.7

