

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the **Advisory Planning Commission** of the Tahoe Regional Planning Agency will conduct its regular meeting at **9:30 a.m. on Wednesday, July 10, 2019** at the **TRPA Offices**, located at **128 Market Street, Stateline, NV**. The agenda for the meeting is attached hereto and made a part of this notice.

July 3, 2019

A handwritten signature in blue ink, appearing to read "J Marchetta", with a long horizontal flourish extending to the right.

Joanne S. Marchetta
Executive Director

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA
Stateline, NV

July 10, 2019
9:30 a.m.

AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. APPROVAL OF AGENDA
- III. PUBLIC INTEREST COMMENTS

Any member of the public wishing to address the Advisory Planning Commission on any item listed or not listed on the agenda may do so at this time. TRPA encourages public comment on items on the agenda to be presented at the time those agenda items are heard. Individuals or groups commenting on items listed on the agenda will be permitted to comment either at this time or when the matter is heard, but not both.

All public comments should be as brief and concise as possible so that all who wish to speak may do so; testimony should not be repeated. The Chair shall have the discretion to set appropriate time allotments for individual speakers (3 minutes for individuals and 5 minutes for group representatives as well as for the total time allotted to oral public comment for a specific agenda item). No extra time for speakers will be permitted by the ceding of time to others. Written comments of any length are always welcome. So that names may be accurately recorded in the minutes, persons who wish to comment are requested to sign in by Agenda Item on the sheets available at each meeting. In the interest of efficient meeting management, the Chair reserves the right to limit the duration of each public comment period to a total of 2 hours. In such an instance, names will be selected from the available sign-in sheet. Any individual or organization that is not selected or otherwise unable to present public comments during this period is encouraged to submit comments in writing to the Advisory Planning Commission. All such comments will be included as part of the public record.

NOTE: THE ADVISORY PLANNING COMMISSION IS PROHIBITED BY LAW FROM TAKING IMMEDIATE ACTION ON, OR DISCUSSING ISSUES RAISED BY THE PUBLIC THAT ARE NOT LISTED ON THIS AGENDA.

- IV. DISPOSITION OF MINUTES

V. PLANNING MATTERS

A. Update on Local Water and Wastewater Infrastructure, South Tahoe Public Utility District, General Manager, John Thiel **Informational Only**

B. Lake Tahoe Sustainable Recreation Working Group – Background and Status Update **Informational Only** **Page 1**

VI. PUBLIC HEARINGS

A. Amendments to Chapter 36 of the Code of Ordinances regarding outdoor lighting **Recommendation** **Page 19**

VII. REPORTS

A. Executive Director **Informational Only**

B. General Counsel **Informational Only**

C. APC Members **Informational Only**

VIII. PUBLIC COMMENT

IX. ADJOURNMENT

TAHOE REGIONAL PLANNING AGENCY
ADVISORY PLANNING COMMISSION

TRPA
Stateline, NV

June 12, 2019

Meeting Minutes

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Chair Mr. Teshara called the meeting to order at 9:31 a.m.

Members present: Mr. Alling, Mr. Buelna, Mr. Cariola, Ms. Carr, Mr. Drake, Mr. Drew, Mr. Ferry, Mr. Grego, Mr. Guevin, Mr. Hill, Mr. Larsen, Mr. Plemel, Ms. Roverud, Mr. Teshara, Mr. Young

Members absent: Mr. Callicrate, Ms. Stahler, Washoe Tribe

II. APPROVAL OF AGENDA

Mr. Larsen moved approval.
Mr. Ferry seconded the motion.
Motion carried.

III. PUBLIC INTEREST COMMENTS

Mr. Larsen said he has accepted a position with the California Natural Resources Agency as the Program Officer for the Tahoe Science Advisory Council. He will be working out of the TRPA and California Tahoe Conservancy offices supporting science efforts and Senate Bill 630 water quality programs for the Conservancy. In the interim, the Lahontan Regional Water Quality Control Board has requested that he continue to serve on the Advisory Planning Commission on behalf of the water board.

Mr. Teshara thanked TRPA and others who participated in the Summit Policy briefing and field tour on June 11th. There were staff members from four Senators offices and one member from Congressman McClintock's office. This was a good opportunity for some of the newer members to come up to speed on the Tahoe issues in advance of the Lake Tahoe Summit in August.

IV. DISPOSITION OF MINUTES

Ms. Carr and Mr. Teshara asked if the statement on page two where Mr. Zabaglo states that "The LiDAR can penetrate up to three secchi depths" was correct since a secchi depth is typically not a unit of measure.

Ms. Carr made a motion to approve the May 8, 2019 minutes with staff checking the above statement.

Mr. Larsen seconded the motion.

Mr. Ferry, Mr. Drew, and Ms. Roverud abstained.

Motion carried.

V. PLANNING MATTERS

A. Update on the Main Street Management Plan and other components of the US 50/South Shore Community Revitalization Project

TRPA team member Ms. Bettinger and Mr. Thomas, Tahoe Transportation District provided the presentation.

Ms. Bettinger said the Main Street Management Plan is a condition of the US 50 South Shore Community Revitalization Project that was approved by the Governing Board in November 2018. Some of the conditions for the project are the Main Street Management Plan, replacement housing that is required to be built before the highway can be reconstructed, and a Rocky Point neighborhood amenities plan must be developed before the highway realignment can be done.

The “main street” is the current Highway 50 between Lake Parkway and the intersection of Pioneer Trail. The Governing Boards direction in November was for a plan to be developed on what the street would become after the highway was rerouted that prioritized pedestrians, businesses, and was sustainable. Some of the examples of features that the main street may have are pavement variations, fixed bollards, rising bollards for events or transit, diagonal parking, improved sidewalks, mobile barriers, stormwater curb extensions, or a pedestrian mall.

In May, Lee Plemel, Community Development Director for Carson City provided the Governing Board a tour and overview of Carson City’s process for their revitalization project for the downtown area. In July, the Tahoe Chamber will coordinate a similar tour for the Main Street Management Working Group and others who would like to attend.

To ensure that the plan satisfies the needs of the community and is feasible to maintain, operate, and construct, the plan will be developed with the involvement of a staff steering committee that consists of representatives from TRPA, the Tahoe Transportation District, the City of South Lake Tahoe, and Douglas County. There is also a technical working group that has representatives from Caltrans, the Nevada Department of Transportation, the utility companies, the public works departments, and business and property owners in the area. The other is the stakeholder working group that is the driving force behind the design and the policy of the plan.

The stakeholder working group has 21 members; two from TRPA’s Governing Board who are the co-chairs, representatives from the business community, the visitor’s authority, environmental entities, and local residents. The Denver, Colorado office for Ascent Environmental was hired to

June 12, 2019

assist with the design and policy of the plan along with the wayfinding and branding system. Another part of their contract will be helping to facilitate the stakeholder working group. Ascent Environmental has expertise on downtown revitalization projects around the country.

The Main Street Management Plan will be completed in five sub phases by the end of 2019. The first two stakeholder working group meetings were held in March and May 2019 and the first public open house was also held in May. They are currently in phase 2.3 and are starting to develop a set of alternatives that will be narrowed down throughout the process. The May meeting was focused on developing the goals and objectives for what the design of the street should achieve such as bike lanes and flexibility for event space. The next stakeholder working group and public workshop will be held in the end of July and will look at the draft design options that will then be developed into alternatives. In September, one preferred alternative will be selected and in October or November the proposed plan will be presented to the City of South Lake Tahoe, Douglas County, and the Tahoe Transportation District for endorsement. If endorsed, it would then go to TRPA's Governing Board for approval. Periodic updates will be provided to the Advisory Planning Commission.

Commission Comments & Questions

None.

Public Comments & Questions

None.

Mr. Thomas said there is component of the main street that involves the technical working group. They are currently in the final stages of bringing the engineering and design consultant on board for the 60 percent design for the overall project that includes the reroute of the US 50 highway and the Rocky Point neighborhood plan. The technical working group is working in conjunction with the stakeholder working group to ensure that proposed designs and concepts are feasible from a technical level. That consultant contract will go before the Tahoe Transportation District Board on June 14th.

There's been a Request for Qualification (RFQ) completed for the development of replacement housing for the Rocky Point neighborhood and the additional housing in conjunction with the main street component. They've received proposals from two qualified developers and will go before the Tahoe Transportation District's board in July for permission to enter into an agreement and contract for the development of the 109 units associated with this phase of the project.

Presentation can be viewed at:

[Agenda Item No.V.A Main Street Management Plan](#)

Commission Comments & Questions

Ms. Roverud asked if input for the design of the realigned highway will be included in the Rocky Point neighborhood plan and what are the opportunities for the public to provide input on those design details.

Mr. Thomas, Tahoe Transportation District said part of the highway alignment goes through the Rocky Point neighborhood. The components of the highway that are within that will be subject to input on visual and noise impact mitigations. There are components outside the Rocky Point neighborhood for example, on the Douglas County side or around the Van Sickle Bi-State Park area that won't be included in the Rocky Point neighborhood plan but some of those components will interface.

Mr. Hasty, Tahoe Transportation District said it is critical that the Tahoe Transportation District work closely with the City of South Lake Tahoe on the Rocky Point neighborhood plan. He's been in contact with the City Manager regarding the next steps. The sooner they can get to the 60 percent phase, the sooner they can get to the answers for some of the concerns such as the right-of-way, the acquisition of properties, etc. The Tahoe Transportation District has four tracks for this project; working with TRPA and the stakeholders for the Main Street Management Plan, the highway realignment and working with Caltrans and the Nevada Department of Transportation, the Rocky Point neighborhood plan, and the replacement housing.

Mr. Teshara said the elements of the design process will ultimately be the subject of public hearings and opportunities for the public to comment.

Mr. Grego asked what the benefits were to the Carson City revitalization project when it was completed.

Ms. Bettinger said one would be the amount of public space created.

Mr. Grego said when visiting that area, he doesn't see a greater number of pedestrians or a different utilization of those streets that were affected by this project. He doesn't feel that there's been any measurable change or intensity of use in that area. He said visually it's an improvement, but has it changed the functionality of it?

Mr. Hester said they did the same thing on Virginia Street in Reno, NV and Victorian Avenue in Sparks, NV. They've been successful with many events in those two areas.

Mr. Plemel said the revitalized Carson City area is utilized much more than it was before. The Carson City project was a much smaller scale than the US 50 South Shore Community Revitalization project. In Carson City, it went from a highway that had 40,000 plus vehicles to less than 20,000 vehicles per day when the Interstate 580 bypass was completed. Before the project, people weren't crossing the street and now it's getting much more use. Pre-project, the sales tax numbers were going down because people were moving out towards the freeway. Now it's starting to stabilize with the revitalization project and in July they'll have the 2018 sales

tax figures. The fear before the project of was that it would create traffic problems, but those issues never came to fruition.

Mr. Grego said he would be interested to see any available reports on post construction improvements and the use of the area.

Mr. Plemel said in July, they'll have another year's worth of sales tax data to compare. Something else they may look at is property values.

Ms. Carr said she feels safer walking in that area since the revitalization project. They removed the wrought iron fencing and now have the hard scape benches which is not only more aesthetic looking, it has a safer feel. The revitalization has made it more of a small town feel and slower pace.

Mr. Drake asked if there is any data on businesses reinvesting in their properties.

Mr. Plemel said it's hard to tell if someone would have moved a restaurant into that area with or without the project. The downtown area has a large mixed-use building that houses two restaurants, office space, and apartments. This owner did ask the City if this project was going to be done because they were planning to invest in the area.

Mr. Hill echoed Mr. Plemel's and Ms. Carr's comments on the use of public space and the safer feel in the downtown area. When the Interstate 580 bypass was built, it was feared that the downtown would be dead. It seems like there is more traffic downtown, but it is a different type of traffic. It's not the large trucks that used to go through there.

Mr. Guevin said you need to compare apples to apples. Carson City is more small business and he feels the goal of this US 50 South Shore Community Revitalization Project is for event space. Victorian Avenue in Sparks might be a better comparison. He suggested that when they look at the 60 percent development, they need to consider the stormwater system, the placement of fire hydrants, and the power in the casino core.

Mr. Teshara said there is a lot more restaurant activity and better signage in downtown Carson City since the revitalization. He invited anyone that wanted to attend the tour of the Carson City revitalization project on July 16th.

Public Comments & Questions

None.

B. Briefing on Tahoe Keys Lagoons Restoration Project Collaborative Process

TRPA team member Mr. Zabaglo and Mr. McGee, Zephyr Collaboration provided the presentation.

Mr. Zabaglo said the Tahoe Keys is the largest infestation in Lake Tahoe and is 30 times larger than any other project done to date. The Tahoe Keys is about 75 percent of the entire infestations in Lake Tahoe.

It is a priority of the Aquatic Invasive Species Implementation Plan and the Lake Tahoe Restoration Act funding. Curly leaf pondweed has been taking a foot hold and has a greater propensity to live in the Lake proper. It has turions (seeds) that can live in the substrate that can withstand time so some of the conventional non-chemical methods aren't always effective. The Tahoe Keys stakeholder working group developed a draft project description that has a generalized approach looking at multiple methods for treatment on over 18 different test sites. The Tahoe Keys is about 29 acres (17 percent) of the total area of the Tahoe Keys waterways. Herbicides and ultraviolet light are just two of the methods being considered.

Environmental consultant, TRC Solutions, Inc. has been contracted to do the joint document for environmental impact statement and environmental impact report. The notice of preparation will be released on June 17th and the comment period will be through August 2nd. There'll be public workshops and California Environmental Quality Act scoping on June 25th at the Lahontan Regional Water Quality Control Board's office at 5:00 p.m. A public hearing will also be held at TRPA's Governing Board meeting on June 26th and a public workshop at the North Tahoe Event Center on July 16th.

There'll be testing over the summer and data collection that will provide water quality parameters to ensure that they have an understanding of the existing conditions. The Tahoe Keys Property Owners Association installed a back up station in the west channel that helps remove weeds from props before a boat enters the Lake proper. They've also installed a bubble curtain which is a wall of bubbles with an air line at the entrance of the west channel that can stop fragments from going out into the Lake. The bubble curtain forces the fragments out to the walls of the channel where there are two sea bin collectors. In addition, they have started a laminar flow aeration project that uses air to oxygenate the water column from below the substrate up to the surface. This helps to decompose that organic layer that is food for plants and may also provide an opportunity to install bottom barriers in some locations.

Mr. McGee said last fall his firm did assessment interviews with over 40 groups and individuals to identifying what the key concerns and ideas were for this environmental document. This first resulted in a summary report and then they convened a stakeholder committee to work on the detailed scope, in addition to some of the broader public engagement efforts. Their work from last fall through this spring was commenting on the scope, goals, and approach of the environmental document. Defining the scope is the prerogative of the lead agencies; TRPA and the Lahontan Regional Water Quality Control Board and then there's the coordination with the Tahoe Keys applicant who would be responsible for the implementation. They received recommendations from the multi stakeholder group to coalesce around a main point of rather than trying to analyze a range of long term management plans. There is more information needed about the different treatment methods, specifically the ability to test in tandem and separately within the unique environment of the Tahoe Keys to find the best solutions. These solutions need to have the least environmental impact, to knock back the weeds, and is technologically and economically feasible. The lead agencies working with the applicant decided

to scale back and look at tests first for existing and emerging technologies such ultraviolet light which are already permitted or don't need permitting. Concurrently, TRC Solutions completed the field studies. The studies are baseline information and in the Tahoe Keys, the timing of the year matters. Until Spring of 2021, they'll be conducting the environmental impact report to look at the potential impacts of a range of tests that includes herbicide. At the end of that period, there would be a series of tests for two to three years over different sections of the Tahoe Keys that represent different environments and challenges. At the end of that period, with lessons learned, then they would develop alternatives for long range management of the weeds. After the scoping period, the technical team and lead agencies will do some analysis. There are ongoing discussions about whether there is a need for independent expertise to review the findings.

Presentation can be viewed at:

[Agenda Item No. V.B Tahoe Keys Aquatic Weeds](#)

Commission Comments & Questions

Mr. Ferry asked when they anticipate testing herbicides.

Mr. Zabaglo said it is unknown at this time. Even testing needs to go through the environmental impact statement process and get approval from TRPA's Governing Board and the Lahontan Board. March of 2021 would be the earliest date for the certification of the environmental document.

Mr. Ferry asked how this testing may impact homeowners with boats who want to use the channels to access the Lake and what feed back they've received from the homeowners.

Mr. Zabaglo said if the herbicides were used, it would be around May as plants are emerging, water is filling the Tahoe Keys, and there is not as much boating during that time period.

Mr. Kopania, Tahoe Keys Property Owners Association and Tahoe Keys Water Quality Committee said there are 1,529 properties in the Tahoe Keys and each are part of the Tahoe Keys Property Owners Association. There isn't a TKPOA and owners with docks, it's all one. They have monthly water quality meetings where they have been addressing this issue for decades and this item is often on their monthly board meetings. They also have townhome forums and e-blasts to keep the members informed. There may be periods of time during the testing where there's a restriction on boating access but is part of the goal of making the Tahoe Keys more navigable and improving the water quality which is also a goal of the homeowners.

Mr. Zabaglo said there would be potential impacts regardless of the treatment method used.

Mr. Grego asked how much herbicide is needed to be effective.

Mr. Zabaglo said each chemical may have a different application rate and those rates would be strictly followed.

Mr. Grego asked what the life of the herbicide was after application.

Mr. Zabaglo said each product has a different life span but about two weeks is the longest. Because Lake Tahoe has a status of an Outstanding National Resource Water there are additional requirements to be considered. There is an anti-degradation status that is required for the Outstanding National Resource Water and there must be an analysis of how long those bi products last. That information doesn't exist because this has never been done in an Outstanding National Resource Water.

Mr. Grego asked if the ultraviolet light kills all the plants that are subjected to the UV light.

Mr. Zabaglo said Inventive Resources is the developer of the ultraviolet light technology. The pilot project that was done in the Lakeside Marina in 2017 demonstrated that the UV light has a promising potential to impact aquatic plants. This method is not selective and will kill any native species the same as the bottom barriers. Although, they have seen the native species rebound faster for any treatment method. The herbicides are intended to be selective based on the available information.

Mr. Grego asked what the duration of the ultraviolet light treatment is.

Mr. Zabaglo said the Lakeside Marina they did two rounds of treatments over the summer and depending on how large of a boat determines how long it takes to get around the treatment area. This year and next, they'll come up with a prescription of how long is necessary to do a blast of light over the different segments. The vendor will be experimenting this summer at the Tahoe Keys because the water quality is different with turbidity and other obstacles to maneuver around.

Mr. Young asked when the various methods will be tested, when will that start, and are they sequential or at the same time?

Mr. Zabaglo said it will be a combination of all that. If herbicides are selected, that would happen in May of 2021. However, they don't want to wait to do something until then. The Tahoe Keys are currently using the laminar flow aeration and the bubble curtains. A larger scale ultraviolet light test would be implemented in 2020. Other potential testing would also be done in 2020 or 2021.

Mr. Young asked what other methods are being considered besides ultraviolet light and herbicides to reach the goals. He asked if a method is found to be successful early on, will those other tests still be done.

Mr. McGee, Zephyr Collaboration said there are type A and B methods. The type A are the ones to achieve the big goals which are the ultraviolet and herbicides and the rest are maintenance. They'll learn what they can in the near term about how to deploy the ultraviolet light because items such as rocks, uneven walls, and getting underneath docks could pose challenges. Herbicides will depend on anti-degradation and whether it passes that type of analysis. The rest will be the most economic and strategic ways to deploy after a big knock back of weeds. They

could learn the ultraviolet light could do it by itself, but it would still require more testing to reach that conclusion and would be done during the environmental impact report.

Mr. Larsen said they've asserted that the only two methods for knocking back weeds are ultraviolet light and herbicides. He asked if there's some analysis that describes what methods have been considered and what other options have been reviewed.

Mr. McGee, Zephyr Collaboration said due to 170 acres of infestation, it's his understanding that those two methods are seen as the only two that can address an infestation at that scale. All the methods including bottom barriers do offer some efficacy towards management other than harvesting that can make the problem worse.

Mr. Zabaglo said the scoping period will be used to potentially find out if there are other methods or ideas to be considered.

Mr. Teshara said the Curly leaf pondweed is the most insidious and is propagating in the Lake. Not long ago, there was a lot of chaos around the path forward. This appears to be a good process in bringing all the players together such as the League to Save Lake Tahoe, the Tahoe Water Suppliers Association, and others to have confidence that it's a good process and there will be appropriate outcomes. Time is of the essence, if the Curly leaf pondweed is getting out of control.

Mr. Zabaglo said they did the lake wide monitoring survey that demonstrates where plant infestations are in the Lake. Most of it is the Eurasian Watermilfoil in the Lake proper. There are some areas just outside the Tahoe Keys that have the Curly leaf pondweed, but most infestations are within the marinas. Projects are continuing throughout the Lake. They are working with the University of Nevada, Reno who are looking at the efficacy of the existing treatment of Curly leaf pondweed.

Public Comments & Questions

None.

C. Update on New Tools & Technology for Lake Tahoe Info

TRPA team member Mr. Bindl provided the presentation.

Mr. Bindl said the bathymetric data set helps to better understand the nearshore zone of Lake Tahoe and to see below the surface of the water. The data acquired was from a larger aquatic invasive species project that will be used to map nearshore vegetation. This data has allowed staff to do robust analysis for more informed decisions. TRPA collected topographic LiDAR data for the Basins terrestrial zone in 2010. That data has proven to be invaluable in the mapping efforts to analyze topography, vegetation, and the impervious surfaces but have lacked a comparable data set for the nearshore shallow areas of the Lake. This has left the nearshore unmapped at a suitable scale for visualization and analysis. Until recently, LiDAR scanners were not able to penetrate the water surface to create a high-resolution visualization. But with the

new capability of green LiDAR they're able to leverage the data collected from an airborne scanner to create a highly accurate elevation model of the lakebed, boulders, and other submerged features. He addressed the earlier question about Green LiDAR and Secchi depth and how far it can penetrate with this data set. They used a red sensor and can penetrate up to 1.5 secchi depths with secchi depth being a measure of light penetration that varies with turbidity and the bottom reflection. For example, the Tahoe Keys has a dark bottom and a lot of turbidity, they couldn't penetrate to the bottom of the Tahoe Keys but with the clarity of the Lake, the entire nearshore zone has been mapped with this effort. That would be about 40 to 50 feet in depth.

Commission Comments & Questions

Mr. Larsen asked how the term secchi depth is being used. The annual average secchi depth in Lake Tahoe is 70 feet. In Mr. Bindl's presentation, one to two secchi depths is 40 to 50 feet.

Mr. Bindl said if the water is clear, it could go down to 170 feet plus in the middle of the Lake. The nearshore zone is like the Upper Truckee marsh area or the Tahoe Keys with a lot of turbidity. Secchi depth light penetration in the Tahoe Keys may be five feet for example. Any area where there's turbidity the depth of one secchi depth changes. The light pulse needs to penetrate to the bottom and bounce back. If there's a black bottom, the wave form is completely absorbed. That's not the case for most of the nearshore. They were able to achieve a depth of 30 to 40 feet across the board and in some places up to 50 feet.

(Presentation continued)

Mr. Bindl said this data set filled in that gap between the deep-water bathymetry that they have with sonar and the terrestrial LiDAR from 2010. They've been able to merge those data sets and create a seamless elevation model from the tops of the mountains to the bottom of the Lake.

In addition to bathymetric LiDAR they also acquired a high-resolution aerial image for the entire circumference of the Lake. This data set aligns with TRPA's strategic pillar to use the best available science and technology while implementing the Regional Plan. This data has been used to update several of TRPA's spatial data sets, improved the accuracy of the information used for internal mapping, and the data provided to the public. This imagery will also be used as base data for the new mooring registration system being developed. Applicants will be able to select their parcels and moorings using the high-resolution image. Planners will be able to use that same layer to review the location and design standards for the selected moorings. Boater safety and navigation will be improved using this data and TRPA's watercraft crew will be able to utilize a map on their tablet to navigate on Lake Tahoe.

Commission Comments & Questions

Mr. Drew asked how frequently this imagery will be updated knowing that some areas on the bottom of the Lake will move around.

Mr. Bindl said its to be determined but are anticipating about every eight years. It is currently very expensive to do.

(presentation continued)

Mr. Bindl said this data is publicly available and other entities can also use it to generate navigational charts, create data sets, and perform their own analysis. The data set is open source and available to the public. They are looking at different platforms to deploy this data in a downloadable fashion which will make it easier to access. The Aquatic Invasive Species program is using this to map the nearshore aquatic vegetation.

Presentation can be viewed at:

[Agenda Item No. V.C Tahoe Nearshore LiDAR](#)

Commission Comments & Questions

Mr. Drew said the pace in which the LiDAR is getting more accurate is incredible. He asked if there's been any issues or anomalies with the bathymetric or terrestrial data when it hits vegetation versus hard ground.

Mr. Bindl said yes, it's possible. You see a different intensity value coming back with different substrates. A substrate can be mapped out by quantifying the intensity of the wave form coming back to the sensor. It's a benefit to determine where the substrates are and is a proxy for what the Aquatic Invasive Species program would like to see for their preferred substrate. Suspended vegetation, suspended solids, and turbidity does affect the way the wave form penetrates.

Mr. Drew asked if they did the entire Basin for the terrestrial or did, they just do the area adjacent to the Lake.

Mr. Bindl said it was a seamless terrestrial bathymetric for just the nearshore around 200 feet out. They also collected in an area of interest from Johnson meadow to the Airport knowing that there are projects coming online that could benefit from this data.

Mr. Drew asked if this is currently available on the website.

Mr. Bindl said the aerial image is available and are in the GIS base maps that can be downloaded. The base data for the LiDAR is only on TRPA's server. They're looking at other platforms to deploy this information so it can be downloaded by others.

Mr. Cariola asked if this information is provided to contractors who place buoy blocks in the Lake to assist them with the proper location.

Mr. Bindl said it's in the mooring data registration platform to help with that but would be a good idea to share this with the contractors who are doing this work.

Mr. Young said while the prices will come down for some of the current technology, in future years there will be other items on the market we want at those again higher prices.

Ms. Carr said this will be a good tool for TRPA's enforcement team to have on the boat, then they can see if a buoy block is on the map and has a permit.

Mr. Bindl said they're rolling out multiple data applications for the boat crew to have available while on the Lake for buoy enforcement.

Mr. Larsen said both California and Nevada invested in this work to evaluate aquatic macrophytes and their locations to help inform their AIS control efforts. It's a good example of how we can use our investment to serve multiple purposes.

Mr. Bindl said when the data is kept open source, the investment is leveraged by every person who gets a hold of that data.

Mr. Larsen said as people start to see the utility of this information over and over in a variety of different venues, it will make it easier to advocate for a three to five year reoccurrence interval to ensure that the data is continually updated and used for a variety of uses.

Mr. Bindl said terrestrial LiDAR data was collected for the entire Basin last summer by NASA's Jet Propulsion Laboratory and those first order derivatives will come online around mid-summer.

Mr. Drake said this LiDAR data is also a good use for drainage planning and mapping. Flow accumulation modeling are useful tools for drainage and watershed planning for large landowners such as the Forest Service, ski resorts, etc.

Mr. Bindl said they do hydrologic surface modeling with the terrestrial LiDAR on a weekly basis.

Mr. Guevin asked if they're using the Collector app to manage this.

Mr. Bindl said currently they've deployed mobile map packages to the device natively because it's a large amount of data. They're using the Collector app for geometric data collection, the Explorer app for navigation, and Survey 123 for deploying form base surveys. The boat crew is using the map with the new LiDAR in the Explorer app to navigate with.

Mr. Guevin asked if they can see the intake pipes in the Lake.

Mr. Bindl said yes, they can see the intake pipes and the dredging.

Public Comments & Questions

None.

VI. PUBLIC HEARINGS

- A. Amendments to Chapters 81, 84, and 90 regarding the determination of property boundary projection lines for shorezone purposes; number of boatlifts per multiple use pier; and commercial boating

TRPA team members Mr. Conger and Ms. Good provided the presentation.

Ms. Good said through the process of the shoreline implementation it has shown where the Code of Ordinances needs to be clarified to better meet the intent of the policy. The first major milestone is mooring registration and permitting. There are two phases to the mooring program. The first phase that went live on March 1st focuses on permitting and registration of existing moorings on the Lake. The Lake Tahoe Info portal is being used to build out the mooring permitting and registration platform. To date, staff has received approximately 300 submittals online for a total of 1,500 moorings. There are 200 unique users registered rather than just the 10 to 15 consultants that would handle permitting processes for property owners. Phase two will begin in 2020 for new moorings.

On June 1st, the new permitting program went live where TRPA is accepting applications for new piers every two years throughout the life of the plan.

Part of a successful implementation will be to continually communicate and cooperate with those that the shoreline plan will have an impact on. Staff has conducted three workshops to date. The first one was with partner agencies that have jurisdiction and regulatory authority over Lake Tahoe. At this workshop there were over ten agencies represented including California and Nevada State Lands, the US Army Corps, the US Coast Guard, etc. The shorezone consultants training had around 30 consultants attend. They also conducted a workshop with the Tahoe Lakefront Owners Association with over 50 people attending. Future workshops will be done with marina owners and operators, public land managers, and concessionaires.

TRPA's communications team has been getting the word out about the new shoreline plan to the boating community and private property owners. There's education being done on the no wake zone, the new aquatic invasive species inspection fees, and the new permitting processes. Boaters will be able to download the new boating app that will allow them to see where they are in relation to the no wake zone, points of interest out on the Lake, and where public amenities are. The June issue of the Tahoe in Depth highlighted achievements and how to get more information about the program. Staff is working with marinas and public land managers on distributing information on boating regulations and Tahoe TV will be featuring commercials on mooring registrations, boat inspection programs, and boating regulations.

Enforcement during this first phase of implementation is focused on three areas: Moorings, concessions, and the no wake zone. The focus for moorings is the enforcement on moorings that are in front of public lands where they cannot be permitted. The mooring registration and permitting program are the first steps in the larger context of mooring enforcement over the next several years. Another area of enforcement focus is on concessions which would be marinas, public land managers, or private operators who operate commercially in the shorezone

and lake zone of Lake Tahoe. It could be tour boat operations, renting motorized watercraft, paddle boards, etc. that are used in the Lake. They're focusing on educating marinas, public land managers, and concessionaires that they need a permit issued by TRPA to operate. This year TRPA has added a second boat crew and the primary responsibility is educating and enforcing the no wake zone.

To monitor impacts, the plan includes a greenhouse gas reduction strategy and a boating survey. TRPA staff is developing a plan with stakeholder input to address greenhouse gas emissions from items such as shoreline construction, vehicle trips to and from shoreline facilities and boating. TRPA will be developing a recreation survey to establish a recreation base line to gauge lake user experience, motorized and non-motorized boater interactions, and knowledge of boating safety and regulations.

The shoreline environmental impact statement requires ongoing monitoring for impacts to air and water quality. Recently put into place are the contracts with the University of California, Davis for nearshore clarity and boating monitoring. TRPA has also placed the necessary equipment for ozone and noise monitoring, and the gasoline constituent monitoring will begin on July 2, 2019.

Commission Comments & Questions

Mr. Buelna asked if staff has considered using social media to help get the word out about the implementation of the plan.

Ms. Good said in addition to the commercials and the boating app, they are considering using Facebook live and Twitter.

Public Comments & Questions

None.

Mr. Conger said as the plan is being implemented, staff has identified several topics that need code amendments in order to maintain clarity and consistency. In developing the amendment proposal staff consulted with a number of sources including the implementation program, the stakeholder committee, and the environmental impact statement for the shoreline program. Today's proposal is for Chapters 81, 84, and 90 of the Code of Ordinances. The amendments fall into three categories: Parcel boundary projection lines, boatlifts on multiple-use piers, and commercial boating.

Parcel boundary projection lines: These are important because piers and moorings are required to maintain a 20-foot setback. Presently the Code of Ordinances uses a few variations on the term, and it lacks a definition. Staff's proposing that the term be standardized as parcel boundary projection lines. Since the code doesn't define how the parcel boundary projection lines are set, staff's proposing to use the definition that's consistent with both California and Nevada State Lands. That definition is projection of the parcel boundary lakeward from the low water line perpendicular to the tangent of the shoreline.

Boat lifts on multiple-use piers: The Code of Ordinances currently identifies a limit of one boat lift per parcel for a total of four on multiple-use piers. That limitation was adopted into a figure and not in the text of the Code of Ordinances. Staff is proposing to add the limitation into the design standards for multiple-use piers.

Commercial boating: Commercial boating is identified in Chapter 81 as a separate shorezone use. It includes boating and fishing charters but is distinct from tour boat operations that involve more than 30 passengers and are regulated by the Coast Guard. It is also distinct from water-oriented outdoor recreation concessions. Presently, commercial boating as a separate use, is not listed as a permissible use in most plan area statements, even where tour boat operations and other water-oriented concessions are allowed. Staff is recommending that the commercial boating use be merged into water-oriented outdoor recreation concessions. Commercial boating is functionally similar to that use and as a result of this change, commercial boating would be allowed wherever water-oriented outdoor recreation concessions are allowed. The standards in Chapter 84 that were adopted as part of the shoreline plan that pertain to motorized concessions would also apply to commercial boating. Commercial boating would be limited to operating out of a marina.

Staff was made aware of some concerns that were raised regarding outreach to commercial boating operators, to alterations in waterborne traffic patterns, and to increases in diesel use as a result of the changes in traffic patterns. Staff would like to receive feedback from the Advisory Planning Commission on those issues and whether this item is ready to move forward, or additional evaluation is merited. Commercial boating was considered as part of the shoreline plan and that plan included a robust outreach component where those policies were vetted through a stakeholder committee. Standards being proposed are not going to affect existing permitted operators. Those operators would be able to continue operating but would be limited from expanding. Restricting new commercial boating to marinas is consistent with the shoreline environmental impact statement that identified a strategy focusing uses towards marinas where fueling impacts would be limited.

Staff's considering a series of amendments to the Code of Ordinances. These amendments are designed to meet the objectives of the shoreline plan. This agenda item was originally noticed with two additional amendment packages and have been removed for further evaluation.

This item is scheduled for review by the Regional Plan Implementation Committee and the Governing Board on June 26, 2019.

Presentation can be viewed at:

[Agenda Item No. VI. A Shorezone Amendments](#)

Commission Comments & Questions

Mr. Young asked how many of the commercial fishing and boating charters do not meet these new standards and would be grandfathered in.

Ms. Good said several of these operators don't currently have a TRPA permit. There are,

however, ones permitted and operating out of the Tahoe Keys Marina, Round Hill Pines Beach Resort, and Lakeside Marina. They've had to bring them forward in the past under a temporary use or plan area amendment because they're not explicitly allowed in the plan area statements. However, the new shoreline code doesn't allow for concessions to be permitted on a temporary basis. They are looking at ways that these commercial operators can be driven to the appropriate operating locations such as marinas. Except for a few, there are not any marinas that explicitly allow these commercial operators. Many of them that are already permitted are operating there through permitting processes that they've had in the past that are no longer available.

Mr. Marshall said in some ways this is a zoning and use issue. A lot of the current plan area statements do not allow commercial boating even where marinas are. There is disconnect between the shoreline plan and the existing plan area statements. The choice would be to amend all the plan area statements to allow this use if appropriate or through the shoreline plan amendments combining the uses to a category that is similar but is allowed in the areas where they want the commercial boating to occur at the marinas.

Mr. Young asked if it were correct that it is to try and drive these uses to new locations (marinas) where they are not currently operating.

Mr. Marshall said no, they are currently operating at marinas but the plan area statements applicable to that marina doesn't allow commercial boating as a permissible use. The mechanism is to put it into outdoor recreation concessions which is allowed.

Mr. Ferry asked if these commercial boating operations would need to reapply for a TRPA permit if they do not have a current permit.

Mr. Marshall said yes. It would not be to reapply, but rather to initially apply. That's what triggered staff to realize that there's an issue that someone would apply for a permit for that use.

Mr. Ferry asked what type of permit would be applied for.

Ms. Good said it would be a shorezone permit. The operator would need to provide a business license and operating plans to TRPA. Staff would also evaluate the application to ensure that it's an appropriate upland use.

Ms. Carr said she doesn't feel that this should be pulled for future work, but rather wanted a better understanding of the thought behind completing the Initial Environmental Checklist. She would assume that some of the unauthorized activities of people providing tours on their personal boats from a residence and creating other unwanted shorezone types of activities are the ones we want to get into marinas where there's better parking, control, etc.

Ms. Good said yes, that is accurate. It's a land use and zoning question. These "other" operators are not operating within the guidelines of a permissible use.

Ms. Carr asked how many of these operators didn't meet these new standards. Is it six or so operators or several that would be collocated in the marinas and what environmental effect does that have? That's what spurred her thought about the diesel fuel. For example, if someone is operating in the southeast part of the Lake and then has to go across the Lake to pick up clients at a marina, what was the thought behind saying no in the Initial Environmental Checklist to whether or not there was an increased use of diesel fuel.

Ms. Good said any operator that's been operating prior to 2017 will be primarily be operating the same way. Staff will be working with them to bring them under permit. The code change will affect those new operators. Existing traffic and travel patterns on the Lake would not be impacted by the code change.

Ms. Carr referred to page 12 of the Initial Environmental Checklist. It states that there won't be alterations to waterborne traffic, present patterns of circulation or movement of people and/or goods. She said Ms. Good's explanation above has answered this question.

Ms. Carr referred to page 11 of the Initial Environmental Checklist, changes to existing parking facilities or demand for new parking. She asked if the "no" on the checklist was that they won't necessarily be creating a new demand for parking at marinas by pushing these people to those marinas. If the commercial boating operators are required to operate out of a marina how does that effect the marina and their facilities?

Ms. Good said one of the primary purposes for the drive towards marinas is that they have fueling capabilities, parking, and the upland facilities to accommodate these types of commercial operations. When staff evaluates a potential project, they'll look at the additional demand on those upland facilities.

Ms. Carr said it sounds like staff is not expecting much of a change environmentally due to moving these boat operators into the marinas and possibly having an operator drive further to pick up clients for a tour.

Ms. Good said that's correct except for any new operators that would be permitted through TRPA.

Ms. Carr asked how people doing side businesses that needed to be permitted would be evaluated.

Ms. Good said it would be the same as others.

Ms. Carr referred to page 16, Exhibit 1, Code Amendments. She said the amendment categories referenced should be changed from five to three. On page 19, Section 81.5.14, striking the phrase "The following uses are defined as set for the below." There is nothing below this, is it referencing 81.6 below?

Mr. Conger said no, it's an existing typo.

Ms. Carr referred to the parcel boundary projection lines in Figure 84.4.3-1, Single-Use Pier Design Standards. It looks like the formatting cut off some of the text. It only states "From adjacent parcel boundary." She suggested to be consistent, it should state "Parcel boundary projection line." She asked if the "Error reference source not found" in item C is a typo.

Mr. Conger said that is a typo and will be corrected.

Mr. Teshara said although, the commercial boating operators are being pushed to the marinas, the marinas are not under any direction to except these operators.

Ms. Good said yes, that's correct.

Mr. Grego asked what outreach was done to this industry.

Ms. Good said the primary stakeholder groups for education and outreach for these types of operations are the marinas, public land managers such as the North Tahoe Public Utility District who manages public ramps or beaches, and the concessionaires. The next workshop and training will be to bring all those parties together to educate on concessions. This first year of implementation, they will not target enforcement but rather educate these stakeholders to get them to come into compliance.

Mr. Grego asked what staff has done to reach out to these groups for this meeting today.

Mr. Marshall said the stakeholders are two groups. One is the group such as the fishing charters that are operating out of a marina where the zoning is not appropriate and needs to be changed in order to permit them. The other group is the unauthorized operators which is a bigger issue. They've been working with the marina operators and are reaching out to the commercial boat operators through the marinas since that group doesn't have a specific organization.

Mr. Guevin said he's seen vacation home rental postings that advertise buoys and moorings. He's concerned about those unauthorized operators and we need try and do a better job of identifying those. Parking has already been an issue at some of the marinas and by forcing more traffic into those areas will cause more problems. Some of these operators are being displaced because some of the marinas have raised their rates. He understands what we're trying to do but we need to consider the impacts of that.

Ms. Roverud asked if it were correct that the proposed definition of water-oriented outdoor recreation concession doesn't distinguish between motorized and non-motorized.

Mr. Marshall said that's correct.

Ms. Roverud asked when you're pushing these operators to marinas, does this have any effect on the non-motorized boat concessions that are at public beaches?

Mr. Marshall said this change does not. A lot of the shoreline plan discussions went into trying to figure out where the right place was for different kinds of water-oriented concessions. The

non-motorized can be outside of a marina. These rules would apply to new concessions.

Ms. Roverud asked if it were correct that we are not looking to push all concessions to a marina, just the motorized.

Mr. Marshall yes, that's correct.

Ms. Roverud asked about the retail locations that are not on the Lake, where they are renting either motorized or non-motorized boats and are being launched at a public ramp or other public beaches, does this have any affect on those uses?

Mr. Marshall said no. During the creation of the shoreline plan, they made a distinction between upland rental concessions and beach concessions. The shoreline plan addresses the lake side beach items and the other are land side uses that are regulated via the land side applicable zoning, not a shoreline matter.

Ms. Roverud said then the plan is to push the motorized concessions that are operating solely on the Lake to the marinas but the motorized concessions that are upland can still launch at appropriate places around the Lake. There are jet ski operators that are upland.

Mr. Marshall said yes. Some of jet ski type operators are more like a new use of someone running a business not necessarily out of storefront. Staff will be looking at the issues associated with the upland permit as opposed to the shoreline permit. Fueling and other issues are much more sensitive in the lake zone and the nearshore than upland. Those operators fueling their jet skis upland will need to have permitting associated with that activity unless they're taking their equipment to a marina and fueling and launching at a marina with a public ramp.

Ms. Roverud said it's important that when we make these code changes, we understand the possible implications that people may not be aware of. Public outreach will be important. She said the definition of water-oriented outdoor recreation concession is very broad and includes a lot of activities that are occurring around and in the Lake.

Mr. Marshall said the focus is on shifting the commercial boating use into that use category. We already have the water-oriented outdoor concession use category and this change is not necessarily going to make it any broader, it will be adding the commercial component to it. What are the consequences of that, where they can go, is there going to be any change use patterns?

Ms. Roverud said when you have regulations that you want to apply to commercial boating, when a broader category is created then you either apply those same regulations to everything that fits into that category or you end up breaking it out again in the code. She wants to ensure that we're not taking things that we want to control with commercial boating and have that affect some of the other concessions.

Mr. Buelna said with the new area plan, by changing the definition, does that automatically address or influence how the local jurisdictions would handle that.

Ms. Good said it would carry though. This would automatically include broadening the definition of water-oriented outdoor concessions to include commercial boating in the specific areas of an area plan where shorezone is a consideration.

Mr. Buelna said since there's the California Environmental Quality Act and TRPA's environmental review component, is that automatically addressed as part of this code change?

Mr. Marshall said there's no California Environmental Quality Act, it's only TRPA taking action and is subject to Article VII of the Compact and TRPA's own environmental review.

Mr. Buelna asked if it were correct that since the local jurisdiction won't be part of the permitting then they don't need to address that.

Mr. Marshall said that's correct. It's also how TRPA defines its use categories. What's in the local area plan is either a list of permitted and allowed uses or it refers to the plan area statement and preempts those plan area statements.

Mr. Conger said in some cases, the area plans will refer to TRPA's Code of Ordinances for definition of the uses. Some of the area plans have their own separate definition of uses. In most cases, they're using TRPA's definitions.

Ms. Roverud said the City of South Lake Tahoe has two area plans which both include land use definitions and those definitions are not necessarily exactly what is in TRPA's Code of Ordinances. In some cases, they took some use definitions and combined them. If this triggers the need to amend the area plans, the California Environmental Quality Act would be a factor.

Mr. Marshall said that's something that needs to be considered, as to whether or not, it is an impact of this, and would it require local jurisdictions that have plan area statements to go through an amendment process.

Ms. Roverud said for the City of South Lake Tahoe it's just in the area plans where they have adopted these definitions that are slightly different than the Code of Ordinances.

Mr. Buelna said for Placer County it would be their area plan as well.

Mr. Young said his concern is it will drive a lot of people who aren't currently at marinas to marinas. There's a supply and demand issue, clearly, we have a very interesting socioeconomic thing happening. We haven't regulated it comprehensively yet, so they're out there doing it all different ways and in different places. We're requesting people to start moving into the marinas and operating where we feel it's appropriate but the shorezone plan has some significant limitations on the future growth and capacity of the marinas. This will have impacts that we don't know what they are and hope we keep our eyes on those. The economic demand is going to continue to happen and if it doesn't, we'll go back and make adjustments. He's okay with that. This is another example of where we need to take a stab at something, we're doing it for a good reason and makes sense. It will have impacts and we need to keep an eye on those.

Mr. Teshara suggested that before we move this forward, we should give the local jurisdictions time to amend plan area statements as needed. The other option would be to go forward and let the Regional Plan Implementation Committee do this but feels it should fall within the Advisory Planning Commission's technical role and capacity.

Mr. Marshall said if the will of the group is to hold off on a recommendation on the commercial boating segment that the APC advance the other pieces because they are critical for the shoreline plan implementation.

Ms. Roverud asked if there are any deadlines for these proposed code amendments.

Ms. Good said not so much for the commercial boating component, but there is for the projection line boundary and the boatlifts for multiple-use piers. It's critical for implementation because we are in the middle of the new pier permitting program that opened two weeks ago.

Mr. Guevin asked if the public safety piers are included in the category of the multiple-use piers or are they a different item.

Mr. Marshall said they are not considered in that multiple-use category.

Mr. Alling asked with the new definition for the parcel boundary projection lines, are these lines going to be generated by TRPA staff and available on GIS layers for the public to view.

Ms. Good said yes. On the platform that Mr. Bindl just presented on there will be public facing maps for that and maps specific to the Memorandum of Understanding partners where that information will be available.

Mr. Alling asked if there were any changes for the Code of Ordinances that includes provisions that allow for a case by case analysis in a cove for littoral property owners.

Mr. Marshall said there were no changes. There used to be a definition for projection lines in the old shoreline code. When they went through the process of updating that code, there was an error and that was not brought over. That maintains the ability to adjust projection lines within coves in order to try and allow as many people as possible to have access to buoys, etc. The other change was that the old shoreline code had TRPA's projection from the high-water line and the two state land agencies was from the low water line. They've changed it to low water to make it conform with the two state lands agencies.

Mr. Alling said those landowners that are limited to only one buoy in those coves could see a decrease in the value of their property. If that line is generated by TRPA and there is a starting point, there may be potential applicants that would come in with a different projection based on the scale of where you're taking that tangent from. It's important to have a good starting point.

Mr. Conger said the motion would exclude Chapter 81.

Public Comments & Questions

None.

Commission Comments & Questions

Ms. Roverud made a motion to recommend approval of the Required Findings, as described in Attachment B, including a Finding of No Significant Effect, for adoption of the Code of Ordinance amendments as described in the staff report limited to Chapters 84 and 90.

Mr. Grego seconded the motion.

Motion carried.

Ms. Roverud made a motion to recommend adoption of Ordinance 2019-___, amending Ordinance 2019-03, to amend the Code of Ordinances as shown in Attachment A limited to Chapters 84 and 90.

Mr. Young seconded the motion.

Motion carried.

VII. REPORTS

A. Executive Director

Mr. Hester said the Local Government and Housing Committee will meet today at 1:00 p.m. at TRPA.

1) Quarterly Report: January – March 2019

No further report.

B. General Counsel

Mr. Marshall said they filed the final brief in the Dr. Garmong litigation and hopefully the court will not have oral argument and will make a decision to confirm the trial court's decision to dismiss on standing basis.

Mr. Marshall provided an update to the litigation that was filed against TRPA about one year ago in the of the Kumar v. Kohs/Ramsey/Pinter over the transfer and reservation of coverage. This situation was the landowner who bought property through a bankruptcy and then noticed that there were documents in the chain of title that the prior owner had reserved coverage and then was selling that coverage. That is not an uncommon thing in the Basin. All that happened outside of TRPA view, TRPA sees that transfer request when there's a project, but they don't see the private side commercial transactions over coverage. The prior owner sold 350 square feet to someone who wanted to build a garage. TRPA got the case dismissed because they filed it too late. They refiled the case against the private landowners and not TRPA. There's still an

uncertainty on how private side arrangements should occur and what legal documents are necessary when someone is pulling coverage off but banking it on a parcel, then having that prior owner selling and using a power of attorney to sign on the transfer applications.

Mr. Teshara asked if that would be a failure to disclose on a real estate transaction.

Mr. Marshall said it was disclosed because they had recorded the power of attorney and the severance document. It's what kind of documents that need to be used to effectuate that

C. APC Members

Mr. Guevin said a lot has changed with the utility companies since some of the past wildfires. These preemptive power outages will affect the Basin as we're rated as a high fire hazard. NV Energy started their program on June 9 to shut power down if there's red flag warnings and sustained winds. They anticipate at least one to two shutdowns per season. PG&E has told customers to expect power outages for up to three days in some areas. Liberty Utilities will also have their program for power shutdowns. They're looking at redoing some power lines in the Basin and having significant infrastructure power corridors where they would do trimming and remove trees outside of the power line area. When a power company shuts the power off, it could be off for a few hours because of the incident but then the utility company will have to have every foot of the power line inspected before they can reenergize it. NV Energy is going to be considering insulating a section of the power lines, removing wood poles and replacing with steel poles, and redoing breakers.

Mr. Marshall said this changes the calculus regarding undergrounding which is expensive, and the cost of maintenance and other cost associated with above ground lines. For the Basin, perhaps there's an opportunity to leverage more money for undergrounding than there was before.

Mr. Guevin said in the past changing transformers was primarily on the user and NV Energy is now having to change out transformers and upgrade their infrastructure. The power companies are now looking at partnering and replacing some of that equipment.

Mr. Ferry said El Dorado County is hosting a public meeting tonight at the California Tahoe Conservancy to discuss the proposed roundabout project at Pioneer Trail and US Highway 50 in Meyers.

Ms. Carr said we also need to be concerned with power outages for water supply and pumping capacity and the back up power that will be needed. The backup power will probably be generators which can have impacts on air quality. In Nevada, it is mandatory that there is a back up power supply which often comes from a different loop but if it's not available then it would require a generator.

She said Mr. Guevin presented a scholarship to a Douglas High School graduate on scholarship night. The money for that scholarship comes from the Tahoe Douglas Fire Protection Districts pancake breakfast and their other activities.

ADVISORY PLANNING COMMISSION

June 12, 2019

Ms. Carr provided comments on behalf of Ms. Stahler. She said that Ms. Stahler couldn't attend today's meeting because they are doing interviews for the Nevada Tahoe Resource Team Program Manager position. Also, Assembly Bill 220 passed the Nevada Legislature which authorized \$8 million dollars in bond sales for funding the Environmental Improvement Program.

Mr. Grego said earlier this month there was a South Tahoe Chamber meeting where the acting Fire Chief provided a presentation on fire issues. He asked if the Advisory Planning Commission could have a discussion about putting the power lines underground. If there was a fire in the Basin, the environmental impacts would be great.

Mr. Marshall said the Liberty Utilities CalPeco project on the North Shore had an option to underground and there was information in that environmental document that discussed the trade off in impacts of soil disturbance, etc.

Mr. Buelna said on May 30th the Placer County Planning Commission approved the base to base Gondola project between Alpine Meadows and Squaw Valley. It will now go to their Board of Supervisors with a general plan amendment and rezoning component.

Mr. Teshara said the rollout of the NV Energy power outages has been completely mishandled. From a business community perspective no one really knows about this. This is a classic example of how not to do something when there's this many impacts. This is stuff that they should have been doing for many years now.

VII. PUBLIC COMMENT

None.

IX. ADJOURNMENT

Chair Mr. Teshara adjourned the meeting at 12:27 p.m.

Respectfully Submitted,



Marja Ambler
Clerk to the Board

The above meeting was taped in its entirety. Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review.

STAFF REPORT

Date: July 3, 2019

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Lake Tahoe Sustainable Recreation Working Group – Background and Status Update

Summary and Staff Recommendation:

Staff will provide an update on the Lake Tahoe Sustainable Recreation Working Group. This item is for informational purposes and no action is required.

Project Description/Background:

The Lake Tahoe Sustainable Recreation Working Group was first convened in 2017 following a regional recreation assessment by the United States Forest Service, LTMBU and Tahoe Inter-Agency Steering Committee.

The working group, co-led by the USFS and TRPA, consist of public and private partners, including state parks, local jurisdictions, non-profits, and recreation businesses. The primary goal, and ultimate desired outcome, is to provide high-quality outdoor recreation experiences, while preserving and restoring the outstanding natural and cultural resources of the Lake Tahoe Basin.

Within this goal there are five primary objectives.

1. Increase coordination among recreation managers in the Basin
2. Integrate recreation management considerations into planning and implementation
3. Develop a Basin-wide sustainable recreation strategic plan
4. Establish Basin-wide recreation indicators, thresholds, and monitoring protocols
5. Identify, prioritize, and address ongoing sustainable recreation topics

To achieve these objectives, the working group has convened around the topic of sustainable recreation to understand the issue, develop early connections between recreation and ongoing regional activities, and create a big picture strategy to address regional recreation challenges. The working group has also engaged stakeholders and user groups through a workshop, interviews, and surveys to develop a regional vision, mission, and values framework for sustainable recreation.

Goals for 2019 include development of a regional recreation strategy, collaboration with the Tahoe Science Advisory Council to answer key recreation questions, development of sustainable recreation focus area under the Environmental Improvement Program, and integration of recreation in ongoing planning and implementation practices.

Contact Information:

For questions regarding this agenda item, please contact Devin Middlebrook, at (775) 589-5230 or dmiddlebrook@trpa.org.

Attachment:

A. Lake Tahoe Sustainable Recreation Working Group Charter

Attachment A

Lake Tahoe Sustainable Recreation Working Group Charter

Charter

Tahoe Sustainable Recreation Collaborative

February 2018

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1. Purpose of this Charter

This charter outlines the goal and objectives, structure and representation, roles and responsibilities, and operating procedures of the Tahoe Sustainable Recreation Collaborative (the Collaborative).

2. Goal and Objectives

The Collaborative is a multi-sector working group of conservation and recreation professionals, private and nonprofit partners, and recreation stakeholders. The primary goal, and ultimate desired outcome, is to provide high-quality outdoor recreation experiences, while preserving and restoring the outstanding natural and cultural resources of the Lake Tahoe Basin (the Basin).

To that end, the Collaborative works to achieve five primary objectives:

1. **Increase coordination among recreation managers in the Basin**, including public land managers and local jurisdictions, while enhancing engagement with non-profits, the private sector, recreation stakeholders, and user communities.
2. **Integrate recreation management considerations into planning and implementation** processes at local and regional scales (i.e. local and regional plans, forest plans, transportation plans, corridor plans).
3. **Develop a Basin-wide sustainable recreation strategic plan** that includes decision support tools, policies, management strategies, funding, project recommendations, and implementation support to achieve desired conditions.
4. **Establish Basin-wide recreation indicators, thresholds, and monitoring protocols** and acquire consistent and quality recreation data (i.e. site-specific user experience, recreational usage, socio-economic impacts, and natural resource and recreation facility conditions).
5. **Identify, prioritize, and address ongoing sustainable recreation topics** (i.e. regionally significant “hot-spot” issues, funding needs, project development, stewardship

messaging) and foster positive outcomes that apply at local and regional scales.

To achieve these objectives, the Collaborative serves as a forum for multidisciplinary professionals and recreation stakeholders to build capacity, leverage partnerships, and harness funding required to address persistent management challenges at the interface of conservation and outdoor recreation; defined here as recreational activities undertaken for pleasure that occur in nature-based environments outdoors.¹

3. Problem Statement

As a nationally recognized recreation destination and world-renowned natural treasure, the Basin offers an unparalleled diversity of opportunities for outdoor recreation. From wilderness areas and undeveloped shoreline, to developed resorts, marinas, and ski areas, the Basin offers outdoor experiences that are accessible to all.

The Basin is also increasingly popular. Visits to the National Forest in the Basin^{2,3} have increased by more than 30%, from 5.78 million in 2010 to more than 7.72 million in 2015 while the total public land base remained nearly static over the same period. Cell phone data suggests the Basin receives 24 million visits and 9.6 million visitor vehicles annually.⁴ Further, outdoor recreation is now a primary driver of the Basin's nearly \$5 billion-dollar economy.⁵

Current and projected demand for recreational experiences in the Basin is unsustainable for three primary reasons:

- 1) While public demand for recreation has increased, recreation funding for many public land managers has declined or remained static, limiting their ability to provide high-quality recreational opportunities while protecting natural and cultural resources.
- 2) In peak seasons, visitation levels often overwhelm recreation and transportation infrastructure in both managed and unmanaged areas, resulting in negative effects to natural resources, user experiences and safety, and local businesses.
- 3) The Basin is a complex multijurisdictional landscape. Yet relative to other focal management topics, little coordination and engagement among agencies, recreation

providers, and user communities has occurred, resulting in the lack of a unified recreation vision and cohesive management strategies.

Without a coordinated response from a coalition of partners and recreation stakeholders, interagency recreation managers in the Basin will not be able to provide high quality recreational opportunities for visitors and residents *and* preserve the natural and cultural resources that underpin recreational experiences.

4. Guiding Concept and Vision

A guiding concept for the Collaborative is sustainable recreation, defined here as the *range of outdoor recreation settings, opportunities, and access on both public and private lands that are ecologically, economically, and socially sustainable for present and future generations.*⁶

Managing for sustainable recreation means maintaining and enhancing recreation settings, while balancing impacts to ecological, social, economic and cultural resources. It means providing outstanding recreation opportunities and access for user communities that derive personal well-being, economic vitality, and community identity from shared outdoor experiences in the Basin.

The Collaborative envisions a future in which the Basin is both a world-class recreation destination and a global leader in environmental stewardship.

The Basin of the future will include coordinated education and outreach programs that promote a culture of stewardship, increased focus on the acquisition of social and ecological data to inform management actions, improved public access and user experience, and enhanced multi-modal transit linkages between town centers and recreation sites that reduces dependence on private vehicles to access recreation opportunities.

5. Focus Areas

The Collaborative will address five primary focus areas, either wholly, or in part.

1. **Visitor Use Management:** Proactive visitor use management will help to achieve desired conditions for recreation experiences and natural resource conditions. Potential strategies include modifying visitor behavior, the spatial distribution of use, and increasing the resilience of developed recreation sites.
2. **Transportation:** Users will be transported to and from recreational opportunities using modes other than personal automobiles. Potential strategies include enhancing multi-modal transportation linkages between town centers and recreation sites, expanding trail networks, managing private vehicle parking, and coordinating with ongoing transportation planning, projects, and implementation activities.
3. **Stewardship:** Land managers and recreation providers will actively promote unified public outreach to create a culture of stewardship that maintains the desired conditions. Potential strategies include developing shared recreation values, principles, messaging, signage and wayfinding, and supporting Basin-wide stewardship programs (i.e. Take Care Tahoe, Leave No Trace).
4. **Data Collection and Monitoring:** User impacts on desired conditions for recreation experiences and natural resource conditions will be measured and inform management decisions. Potential strategies include developing recreation indicators and thresholds based on impacts to social, economic, and ecological metrics and linking desired conditions to measurable attributes that can be tracked consistently across the Basin.
5. **Funding:** Existing and new recreation assets and infrastructure will be financially sustained over time. Potential strategies include increased funding coordination and resource sharing, creating innovative funding strategies, and leveraging private-public partnerships.

6. Project Phases

Development of the Basin-wide sustainable recreation strategic plan will be guided by four phases outlined in the Visitor Use Management Framework,² including:

Phase 1: Build the Foundation

Phase 2: Define Visitor Use Management Direction

Phase 3: Identify Management Strategies

Phase 4: Implement, Monitor, Evaluate, and Adjust

7. Structure and Representation

The structure of the Collaborative is composed of three elements; (A) agency co-chairs, (B) an interagency working group, and, if formed, (C) a stakeholder committee.

A. Agency Co-Chairs

Co-chairs from two public agencies share responsibility for convening and facilitating the Collaborative, as well as upward reporting of progress and work products.

- Tahoe Regional Planning Agency (TRPA)
- US Forest Service, Lake Tahoe Basin Management Unit (LTBMU)

B. Interagency Working Group

Six public agencies and five organizations currently share responsibility for organizing, staffing, and pursuing funding for the Collaborative. Working group membership may be expanded based on need.

- TRPA
- US Forest Service, LTBMU
- California State Parks
- Nevada Division of State Lands/Nevada State Parks
- City of South Lake Tahoe
- Tahoe City Public Utility District
- South Shore Chamber of Commerce / Lake Tahoe Visitors Authority
- Tahoe Fund
- League to Save Lake Tahoe
- North Lake Tahoe Resort Association

C. Stakeholder Committee

The interagency working group will consider forming a stakeholder committee that includes representatives from organizations, businesses, user communities, and a tribal government that reflect the varied recreational interests in the Basin. Further, the sustainable recreation strategic plan will include methods for stakeholder and community outreach.

8. Governance

The governance of the collaborative consists of five elements:

1. Tahoe Interagency Executive Steering Committee (TIE SC)
2. Environmental Improvement Program Coordinating Committee (EIPCC)
3. Agency Co-Chairs
4. Interagency Working Group
5. Stakeholder Committee



9. Roles and Responsibilities

Tahoe Interagency Executive Steering Committee: Consists of executives that represent each sector of the Environmental Improvement Program (EIP). Success of the Collaborative depends on active sponsorship from the TIE SC, which oversees implementation of the EIP and has responsibility for providing guidance to all EIP Working Groups. In turn, the Collaborative serves in a recreation advisory role to the TIE SC and submits recommendations as requested.

Environmental Improvement Program Coordinating Committee: The EIPCC is primarily responsible for coordination of EIP programs. The EIPCC is responsible for coordinating with EIP Working Groups (including the Collaborative) and communicating with the TIE SC.

Agency Co-Chairs: The co-chairs are responsible for convening, facilitating, and aiding the working group and stakeholder committee. Co-chairs aid the working group in developing

concepts, information, and analyses for project phases and coordinate closely with the EIPCC. Responsibility includes coordinating achievement of working group objectives, tracking action items, and ensuring timely preparation, revision, and completion of project phases and work products.

Interagency Working Group: Consists of executives, managers and subject matter experts from local agencies and organizations, as well as the co-chairs. The working group has responsibility for developing the concepts, information, and analyses that constitute project phases. It has responsibility for working closely with the co-chairs to plan, seek input on, coordinate, and manage all parts of the Collaborative, including each of the governance elements.

Stakeholder Committee: May consist of designated representatives of organizations, businesses, public agencies, tribal governments, and user groups who represent a range of recreational interests in the Basin. Core stakeholder responsibilities may include engaging with the co-chairs, working group, and other governance elements as needed, to provide review, feedback, and input on project phases, work products, and overall process.

10. Authority and Decision-Making

This Charter does not grant one agency authority over another.

Tahoe Interagency Executive Steering Committee: Serves as the principal advisory board of the Collaborative, including:

1. Charter and objectives
2. Work plan and products
3. Focus areas, priority projects, and issues

Environmental Improvement Program Coordinating Committee: Provides guidance to the TIE SC and recommendations to co-chairs and working group including, but are not limited to:

1. Project phases
2. Current and desired future conditions

3. Indicators and thresholds
4. Management and monitoring strategies
5. Implementation
6. Communication materials
7. Financing
8. Logistics and other work products
9. Operational decisions needed to advance the work of the Collaborative

Agency Co-Chairs: Provides recommendations to the TIE SC on primary decisions. Seeks consensus on secondary decisions among the EIPCC and working group (consensus seeking process outlined in Section 11).

Interagency Working Group: Provides recommendations to the TIE SC on primary decisions via the co-chairs. Seeks consensus on secondary decisions among themselves and co-chairs.

Stakeholder Committee: May seek consensus on review, feedback, and input provided to co-chairs and working group. The stakeholder committee may provide review, feedback, and input on a variety of topics based on need and importance.

11. Consensus-Seeking Process

As full and equal partners, members of the working group, agree to use a consensus-seeking process. Actions requiring consensus are only taken on issues or items listed on the meeting agenda unless otherwise agreed to by all group members present.

For the purpose of the working group, consensus means that everyone agrees that they can live with the final proposal after every effort has been made to meet any outstanding interests. This is not the same as unanimity, where all parties agree. The consensus gauge below will be used to indicate the degree of agreement of any member. If all members are in the range of 1 through 4, the group shall be considered in consensus and no further discussion is needed. If several individuals are at 4, then additional discussion may be needed. Further discussion is required if more than one member is at 5 or 6.

Consensus Gauge

1. Proposed decision is fully acceptable. Support the working group's decision or recommendation.

2. Proposed decision is acceptable with minor reservations. Support the working group's decision or recommendation.
3. Proposed decision is acceptable, even with major reservations, but it is the best decision at this time. Support the working group's decision or recommendation.
4. Stand aside/abstain; won't block but cannot offer support.
5. Need more information (must be able to identify the information needed).
6. Cannot live with the decision (must be able to offer an alternative).

Each working group member or designated alternate representative present will be polled to determine if consensus has been achieved. Alternate representatives are empowered to act on behalf of the members they represent. Working group members must be fully informed of the issue to register their level of consensus. There is no absentee participation in the consensus process, but participation via teleconferencing is permissible. Meeting agenda will include notification of any items requiring consensus. As this is a non-binding charter, any consensus achieved will not supersede any member agency's policies, regulations, or other guiding documents.

12. Public Participation in Stakeholder Committee Meetings

With the exception of an initial stakeholder workshop, stakeholder committee meetings will be open to the public. Interested parties are welcome to attend and observe. Interested parties may ask questions and make comments during times denoted on meeting agendas, and at the end of agenda items, time permitting. The intent of this provision is to ensure that members of the stakeholder committee and working group members at these meetings can complete their work and discussions in a timely fashion. Interested parties do not participate in decision-making.

13. Monitoring, Performance Measurement, and Improvement

Monitoring provides the foundation for determining whether management strategies developed are properly implemented, achieving desired outcomes, and complying with regulatory standards. Multi-party monitoring will involve the participation of multiple agencies, organizations, businesses, and/or tribal governments in the collection and analysis of data.

Performance measurement provides the foundation for assessing how the Collaborative is using its agency resources, including staff, contracts, and funding, to reach targeted results.

14. Coordination with Related Initiatives

To the extent feasible and necessary, the co-chairs will work with other EIP working groups to coordinate information and data, align goals and objectives, and work collaboratively toward shared deliverables and outcomes.

15. Funding

This Charter does not guarantee or obligate funding on behalf of any agency. Each organizing and participating agency agrees to work to the best of its ability to obtain and dedicate adequate funding for its staff to participate, and agrees to coordinate on efforts to obtain external funding. Each organizing agency agrees to work to the best of its ability to obtain and contribute to the funding and external support that all organizing agencies agree is necessary.

16. Meeting Documentation

A. Interagency Working Group Meetings

The co-chairs will capture meeting notes or delegate responsibility to a volunteer note taker. Co-chairs review all action items, decisions, and draft work products before closing a meeting, and request members to note if anything was forgotten, or needs further clarification or specification. Within one week of a meeting, the co-chairs will provide the working group with comprehensive meeting resources, including a meeting summary that includes list of attendees, key takeaways, action items, general notes, as well as any presentation slides and post meeting resources.

B. Stakeholder Committee Meetings

If the working group elects to form a stakeholder committee, the co-chairs will capture stakeholder committee meeting notes or delegate responsibility to a volunteer note taker. The co-chairs will oversee the preparation of stakeholder committee meeting summaries that documents major points of discussion, recommendations, and action items. Co-chairs will circulate a draft meeting summary within two weeks of a meeting, ask committee members to approve the summary at their next meeting, and supply committee members with a final summary.

17. Meeting Ground Rules

The co-chairs will use the following ground rules in all meetings:

1. Electronics courtesy – please turn all devices to silent or off
2. Be comfortable – take personal breaks if needed
3. Honor time – we need to spend some time with each topic on the agenda, please adhere to the guidance provided
4. Humor is welcome – it just should not be at someone else’s expense
5. Common conversational courtesy – do not interrupt others, use profanity, or make it hard to hear by having third-party conversations at the table
6. All ideas and points of view have value – you do not have to agree with your neighbor; if you do not agree with something, propose an alternative that could meet everyone’s interests
7. Treat each other with respect – everyone cares about the work, and brings unique backgrounds, expertise, and insight to the conversation
8. Avoid editorials – avoid judging other people’s motives or the value of their actions; instead explain what you need for your interests to be met and our work to be a success

18. Meeting Frequency

The five governance elements will meet with the co-chairs with the following approximate frequencies, with meeting duration varying based on need:

1. TIE SC: quarterly or as requested
2. EIPCC: bi-monthly

- 3. Agency Co-Chairs: weekly
- 4. Interagency Working Group: monthly
- 5. Stakeholder Committee: as needed if formed

19. Review and Amendment

Working group members commit to set aside meeting time once a year to review work plan, reflect on progress made, discuss any process changes that may be beneficial to the group, and update the Charter as needed.

20. Disengaging from the Collaborative

Participation in the Collaborative is voluntary. A member agency or organization that wishes to permanently cease participation in the Collaborative will provide written notification to the co-chairs 30 days prior to leaving.

21. Signatories



Jeff Marsolais, Forest Supervisor
United States Forest Service,
Lake Tahoe Basin Management Unit

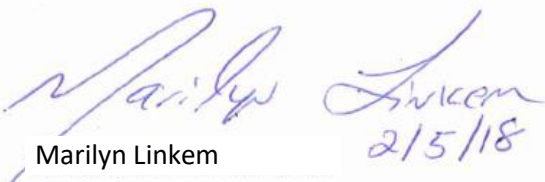
Sierra District Superintendent
California State Parks



Joanne S. Marchetta, Executive Director
Tahoe Regional Planning Agency



Nevada State Parks



Marilyn Linkem
Charter · Tahoe Sustainable Recreation Collaborative



Sean Barclay, General Manager

Tahoe City Public Utility District

North Lake Tahoe Resort Association

South Shore Chamber of Commerce

Tahoe Fund

A handwritten signature in black ink, appearing to read 'Darcie Collins', with a long horizontal flourish extending to the right.

Darcie Collins, Executive Director
League to Save Lake Tahoe

22. References

1. Adapted from Bureau of Economic Analysis. 2017. Outdoor Recreation Satellite Account. <https://www.bea.gov/outdoor-recreation/>
2. USDA Forest Service National Visitor Use Monitoring Program. 2010. Visitor Use Report. Lake Tahoe Basin Management Unit, CA.
3. USDA Forest Service National Visitor Use Monitoring Program. 2015. Visitor Use Report. Lake Tahoe Basin Management Unit, CA.
4. Tahoe Transportation District. 2016. Statement on Visitation Numbers and Data for Transportation Planning. September 10, 2016.
5. Tahoe Prosperity Center. 2015. Measuring for Prosperity. <http://tahoeprosperity.org/wp-content/uploads/TPCProsperityHandout.pdf>
6. Adapted from USDA Forest Service. 2012. Final Rule and Record of Decision for National Forest System Land Management Planning. https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5362536.pdf
7. Interagency Visitor Use Management Council. 2016. Visitor Use Management Framework: A Guide to Providing Sustainable Outdoor Recreation. Edition One. https://visitorusemanagement.nps.gov/Content/documents/lowres_VUM%20Framework_Edition%201_IV_UMC.pdf

STAFF REPORT

Date: July 3, 2019

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Proposed amendment to Chapter 36 regarding outdoor lighting.

Summary and Staff Recommendation:

Staff recommends that the Advisory Planning Commission recommend Governing Board approval of the proposed amendment to the Code of Ordinances. This amendment would allow upward-directed lighting to be used to illuminate the United States flag within the veterans' section of a cemetery.

Required Motions:

In order to recommend adoption of the ordinance amendments, the Advisory Planning Commission must make the following motion(s), based on the staff summary:

- 1) A motion to recommend approval of the Required Findings, as described in Attachment B, including a Finding of No Significant Effect, for adoption of the Code of Ordinance amendments as described in the staff summary; and
- 2) A motion to recommend adoption of Ordinance 2019-___, amending Ordinance 87-9, as previously amended, to amend the Code of Ordinances as shown in Attachment A.

In order for the motions to pass, an affirmative vote of a majority of the quorum in attendance is required.

Regional Plan Implementation Committee (RPIC) Recommendation/Discussion:

The RPIC considered the proposed amendment at its June 26, 2019 meeting and recommended approval with no changes.

Background:

Section 36.8 of the TRPA Code of Ordinances contains standards for exterior lighting. One of these standards is a prohibition on "exterior light fixtures projected above the horizontal," a practice commonly referred to as "uplighting." The exterior lighting standards are designed to help achieve and maintain scenic resource thresholds. The thresholds require that design elements, including lighting, be "compatible with the natural, scenic, and recreational values of the region." Restricting uplighting helps to achieve this by reducing light pollution and glare.

The United States Flag Code provides advisory rules for the display and care of the United States flag. The Flag Code states that “It is the universal custom to display the flag only from sunrise to sunset; however, when a patriotic effect is desired, the flag may be displayed twenty-four hours a day if properly illuminated during the hours of darkness” (4 USC 6). In general, proper illumination of a flag in conformance with TRPA standards can be achieved with downward-directed lighting placed on the top of the flagpole or on adjacent structures.



Example of Downlighting

source: united-states-flag.com



Example of Uplighting

In 2015, a flagpole was erected in the veterans’ section of the Happy Homestead Cemetery in South Lake Tahoe. The community wishes to display the United States flag on this flagpole 24 hours a day in tribute to fallen veterans. Doing so would require illumination. After considering lighting options, the veterans’ community is concerned that downward-directed lighting will not sufficiently illuminate the flag. They are now seeking exemption from the uplighting prohibition.

Project Description:

The proposed code amendment would introduce an exemption from the prohibition on uplighting. The exemption would be limited in scope. It would apply only to the lighting of a United States flag within the veterans’ section of an existing cemetery when downlighting is determined to be infeasible. Lighting would be the minimum needed to properly illuminate the flag. The lighting source(s) would also be limited to an output of 2,500 lumens, which is consistent with dark sky standards.

Environmental Review:

The Code amendment has been reviewed in an Initial Environmental Checklist (IEC) pursuant to Chapter 3: *Environmental Documentation* of the TRPA Code of Ordinances and Article VI of the Rules of Procedure. The IEC found that the proposed amendment, with the incorporation of mitigation measures, would not result in significant effects on the environment (see Attachment C).

Regional Plan Compliance:

The proposed amendment to the Code of Ordinances is consistent with the Community Design Subelement of the Regional Plan’s Land Use Element.

Contact Information:

For questions regarding this item, please contact Michael Conger, AICP, Senior Planner, at (775) 589-5221 or mconger@trpa.org.

Attachments:

- A. Adopting Ordinance
 - Exhibit 1: Code Amendment
- B. Required Findings/Rationale
- C. Initial Environmental Checklist (IEC)

Attachment A

Ordinance

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2019-

AN AMENDMENT TO ORDINANCE NO. 87-9, AS AMENDED, TO AMEND CHAPTER 36 OF THE TRPA
CODE OF ORDINANCES REGARDING OUTDOOR LIGHTING

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 2019-03 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 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 _____

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

Ayes:

Nays:

Abstentions:

Absent:

William Yeates, Chair
Tahoe Regional Planning Agency,
Governing Board

Exhibit 1 to Attachment A

Code Amendment

CODE AMENDMENT

Amend Paragraph E of Subsection 36.8.1 to read as follows:

CHAPTER 36: DESIGN STANDARDS

36.8. EXTERIOR LIGHTING STANDARDS

36.8.1. General Standards

E. Outdoor Lighting.

1. Outdoor lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display.
2. Illumination for aesthetic or dramatic purposes of any building or surrounding landscape utilizing exterior light fixtures projected above the horizontal is prohibited, except as set forth in Subparagraph E.3, below.
3. Within the veterans' section of an existing cemetery, the United States flag may be illuminated subject to the following limitations:
 - a. Where it may not be possible to reliably or consistently illuminate with downward lighting, upward lighting may be used only in the form of spotlights which confine the illumination to the flag.
 - b. Lighting shall be the minimum necessary to properly illuminate the flag. In no case shall any lighting source exceed 2,500 lumens in output.

Attachment B

Required Findings/Rationale

REQUIRED FINDINGS / RATIONALE

TRPA Code of Ordinances Section 3. 3 – Determination of Need to Prepare an Environmental Impact Statement

Finding: TRPA finds that the proposed Code amendment will not have a significant effect on the environment if certain mitigation measures are incorporated into and made a part of the project.

Rationale: An Initial Environmental Checklist (IEC) has been prepared to evaluate the effects of the proposed amendments to the Code of Ordinances (see Attachment C). The IEC found that the proposed Code amendments would not have a significant effect on the environment with the incorporation of the mitigation measures. The amendment provides an exemption from a lighting standard in limited circumstances. The proposed mitigation measures reduce applicability and establish a maximum level of luminance. With the incorporation of the mitigation measures, impacts are anticipated to be insignificant.

TRPA Code of Ordinances Section 4. 4 – Threshold-Related Findings

1. Finding: The project (amendment to the Code of Ordinances) is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code, and other TRPA plans and programs;

Rationale: The proposed amendment to the code will provide an exemption from an exterior lighting standard. The exemption will have limited applicability and will not conflict with other policies, standards, and guidelines developed to ensure preservation and enhancement of scenic resources. The code amendment is consistent with Regional Plan policies and goals and all implementing elements of the Regional Plan.

2. Finding: The project will not cause the environmental threshold carrying capacities to be exceeded; and

Rationale: The proposed amendment is consistent with the threshold attainment strategies in the Regional Plan. The mitigation measures incorporated into the amendment will ensure compliance with the Scenic Resources – Built Environment threshold by reducing potential impacts from upward-directed lighting.

3. Finding: Wherever federal, state, or local air and water quality standards apply for the region, the strictest standards shall be attained, maintained, or exceeded pursuant to Article V(d) of the Tahoe Regional Planning Compact.

Rationale: The proposed amendments would not adversely affect any state, federal, or local standards. The amendments provide for a limited exemption from an exterior lighting standard, which is not anticipated to affect air or water quality.

TRPA Code of Ordinances Section 4. 6 – Findings Necessary to Amend or Adopt TRPA Ordinances, Rules, or Other TRPA Plans and Programs.

Finding: The Regional Plan and all of its elements, as implemented through the Code, Rules, and other TRPA plans and programs, as amended, achieves and maintains thresholds.

Rationale: The proposed amendment provides a limited exemption from an exterior lighting standard. With the incorporation of mitigation measures, the amendment will not conflict with other policies, standards, or guidelines designed to ensure preservation and enhancement of scenic resources. Therefore, the Code of Ordinances, as amended by the proposed amendment, and in combination with other regulatory programs, will attain and maintain thresholds.

Attachment C

Initial Environmental Checklist (IEC)

INITIAL DETERMINATION OF ENVIRONMENTAL IMPACT CHECKLIST

Project Name:

Outdoor Lighting Amendment to Chapter 36

Project Description:

Subsection 36.8.1.E presently prohibits exterior light fixtures projected above the horizontal, commonly referred to as “uplighting.” The proposed code amendment would introduce an exemption from the prohibition on uplighting.

In order to reduce potential for impacts, the exemption would be limited in scope. It would apply only to the lighting of a US flag within the veterans’ section of an existing cemetery. The lighting source(s) would also be limited to 2,500 lumens, which is consistent with dark sky standards.

Since the exemption is limited to existing cemeteries, analysis of impacts has been focused on potential impacts from exterior lighting at the following four locations:

Cemetery	Owner	Jurisdiction
Al Tahoe (Pioneer)	City of South Lake Tahoe	City of South Lake Tahoe
Glenbrook	Glenbrook Homeowners’ Association	Douglas County
Happy Homestead	Happy Homestead Cemetery District	City of South Lake Tahoe
Trails End	Tahoe City Cemetery District	Placer County

The following questionnaire will be completed by the applicant based on evidence submitted with the application. All "Yes" and "No, With Mitigation" answers will require further written comments.

I. ENVIRONMENTAL IMPACTS:

1. Land

Will the proposal result in:

- a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?

- Yes No
- No, With Mitigation Data Insufficient

c. Unstable soil conditions during or after completion of the proposal?

- Yes No
- No, With Mitigation Data Insufficient

d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?

- Yes No
- No, With Mitigation Data Insufficient

e. The continuation of or increase in wind or water erosion of soils, either on or off the site?

- Yes No
- No, With Mitigation Data Insufficient

f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?

- Yes No
- No, With Mitigation Data Insufficient

g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?

- Yes No
- No, With Mitigation Data Insufficient

2. Air Quality

Will the proposal result in:

a. Substantial air pollutant emissions?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

b. Deterioration of ambient (existing) air quality?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

c. The creation of objectionable odors?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

e. Increased use of diesel fuel?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

3. Water Quality

Will the proposal result in:

a. Changes in currents, or the course or direction of water movements?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site?

- Yes No
- No, With Mitigation Data Insufficient

c. Alterations to the course or flow of 100-yearflood waters?

- Yes No
- No, With Mitigation Data Insufficient

d. Change in the amount of surface water in any water body?

- Yes No
- No, With Mitigation Data Insufficient

e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?

- Yes No
- No, With Mitigation Data Insufficient

f. Alteration of the direction or rate of flow of ground water?

- Yes No
- No, With Mitigation Data Insufficient

g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?

- Yes No
- No, With Mitigation Data Insufficient

h. Substantial reduction in the amount of water otherwise available for public water supplies?

- Yes No
- No, With Mitigation Data Insufficient

i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?

- Yes No
- No, With Mitigation Data Insufficient

j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?

- Yes No
- No, With Mitigation Data Insufficient

4. Vegetation

Will the proposal result in:

a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system?

- Yes No
- No, With Mitigation Data Insufficient

b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?

- Yes No
- No, With Mitigation Data Insufficient

c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?

- Yes No
- No, With Mitigation Data Insufficient

d. Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora and aquatic plants)?

- Yes No
- No, With Mitigation Data Insufficient

e. Reduction of the numbers of any unique, rare or endangered species of plants?

- Yes No
 No, With Mitigation Data Insufficient

f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows?

- Yes No
 No, With Mitigation Data Insufficient

g. Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications?

- Yes No
 No, With Mitigation Data Insufficient

h. A change in the natural functioning of an old growth ecosystem?

- Yes No
 No, With Mitigation Data Insufficient

5. Wildlife

Will the proposal result in:

a. Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)?

- Yes No
 No, With Mitigation Data Insufficient

b. Reduction of the number of any unique, rare or endangered species of animals?

- Yes No
 No, With Mitigation Data Insufficient

c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?

- Yes No
- No, With Mitigation Data Insufficient

d. Deterioration of existing fish or wildlife habitat quantity or quality?

- Yes No
- No, With Mitigation Data Insufficient

6. Noise

Will the proposal result in:

a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Area Plan, Plan Area Statement, Community Plan or Master Plan?

- Yes No
- No, With Mitigation Data Insufficient

b. Exposure of people to severe noise levels?

- Yes No
- No, With Mitigation Data Insufficient

c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?

- Yes No
- No, With Mitigation Data Insufficient

d. The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible?

- Yes No
- No, With Mitigation Data Insufficient

e. The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses?

- Yes No
- No, With Mitigation Data Insufficient

f. Exposure of existing structures to levels of ground vibration that could result in structural damage?

- Yes No
- No, With Mitigation Data Insufficient

7. Light and Glare

Will the proposal:

a. Include new or modified sources of exterior lighting?

- Yes No
- No, With Mitigation Data Insufficient

b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?

- Yes No
- No, With Mitigation Data Insufficient

c. Cause light from exterior sources to be cast off -site or onto public lands?

- Yes No
- No, With Mitigation Data Insufficient

d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?

- Yes No
- No, With Mitigation Data Insufficient

DISCUSSION

SETTING: Chapter 36 of the TRPA Code of Ordinances presently prohibits exterior lighting projected above the horizontal (i.e. "uplighting").

IMPACT: The proposed code amendment would create an exemption from the prohibition on uplighting. As a result, new or modified sources of exterior lighting could occur. The code amendment could also result in illumination that is more substantial than other lighting in the surrounding area. With the application of mitigation, however, these impacts are anticipated to be reduced to a level of insignificance.

MITIGATION: The proposed code amendment would be subject to the following limitations:

- (A) The exemption would only apply to lighting of US flags.
- (B) The exemption would only apply within the veterans' section of an existing cemetery.
- (C) Lighting fixtures would be limited to 2,500 lumens.

RESULT: The limited applicability of the exemption and the restriction on the light source's luminance would ensure that any changes in exterior lighting or increases in illumination would be insignificant.

8. Land Use

Will the proposal:

- a. Include uses which are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan, or Master Plan?

- Yes No
- No, With Mitigation Data Insufficient

- b. Expand or intensify an existing non-conforming use?

- Yes No
- No, With Mitigation Data Insufficient

9. Natural Resources

Will the proposal result in:

- a. A substantial increase in the rate of use of any natural resources?

- Yes No
- No, With Mitigation Data Insufficient

- b. Substantial depletion of any non-renewable natural resource?

- Yes No
- No, With Mitigation Data Insufficient

10. Risk of Upset

Will the proposal:

- a. Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions?

- Yes No
- No, With Mitigation Data Insufficient

- b. Involve possible interference with an emergency evacuation plan?

- Yes No
- No, With Mitigation Data Insufficient

11. Population

Will the proposal:

- a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?

- Yes No
- No, With Mitigation Data Insufficient

- b. Include or result in the temporary or permanent displacement of residents?

- Yes No
- No, With Mitigation Data Insufficient

12. Housing

Will the proposal:

- a. Affect existing housing, or create a demand for additional housing?

To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:

- (1) Will the proposal decrease the amount of housing in the Tahoe Region?

- Yes No
- No, With Mitigation Data Insufficient

(2) Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates affordable by lower and very-low-income households?

- Yes No
- No, With Mitigation Data Insufficient

Number of Existing Dwelling Units: _____

Number of Proposed Dwelling Units: _____

b. Will the proposal result in the loss of housing for lower-income and very-low-income households?

- Yes No
- No, With Mitigation Data Insufficient

13. Transportation/Circulation

Will the proposal result in:

a. Generation of 100 or more new Daily Vehicle Trip Ends (DVTE)?

- Yes No
- No, With Mitigation Data Insufficient

b. Changes to existing parking facilities, or demand for new parking?

- Yes No
- No, With Mitigation Data Insufficient

c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?

- Yes No
- No, With Mitigation Data Insufficient

d. Alterations to present patterns of circulation or movement of people and/or goods?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

e. Alterations to waterborne, rail or air traffic?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

14. Public Services

Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas?

a. Fire protection?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

b. Police protection?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

c. Schools?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

d. Parks or other recreational facilities?

- Yes No
- No, With Mitigation Data Insufficient

e. Maintenance of public facilities, including roads?

- Yes No
- No, With Mitigation Data Insufficient

f. Other governmental services?

- Yes No
- No, With Mitigation Data Insufficient

15. Energy

Will the proposal result in:

a. Use of substantial amounts of fuel or energy?

- Yes No
- No, With Mitigation Data Insufficient

b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?

- Yes No
- No, With Mitigation Data Insufficient

16. Utilities

Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:

a. Power or natural gas?

- Yes No
- No, With Mitigation Data Insufficient

b. Communication systems?

- Yes No
- No, With Mitigation Data Insufficient

c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?

- Yes No
- No, With Mitigation Data Insufficient

d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?

- Yes No
- No, With Mitigation Data Insufficient

e. Storm water drainage?

- Yes No
- No, With Mitigation Data Insufficient

f. Solid waste and disposal?

- Yes No
- No, With Mitigation Data Insufficient

17. Human Health

Will the proposal result in:

a. Creation of any health hazard or potential health hazard (excluding mental health)?

- Yes No
- No, With Mitigation Data Insufficient

b. Exposure of people to potential health hazards?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

18. Scenic Resources/Community Design

Will the proposal:

a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?

- | | |
|---|--|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input checked="" type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

b. Be visible from any public recreation area or TRPA designated bicycle trail?

- | | |
|---|--|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input checked="" type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

d. Be inconsistent with the height and design standards required by the applicable ordinance or Community Plan?

- | | |
|---|--|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input checked="" type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

DISCUSSION

SETTING: Chapter 36 of the TRPA Code of Ordinances presently prohibits exterior lighting projected above the horizontal (i.e. “uplighting”).

IMPACT: The proposed code amendment would create a limited exemption from the prohibition on uplighting. Since uplighting would be allowed in certain circumstances, it is possible that the lighting could be visible from a state or federal highway, Pioneer Trail, Lake Tahoe, public recreation areas, and/or designated bicycle trails. The code is being amended to accommodate lighting that is currently inconsistent with design standards.

MITIGATION: The proposed code amendment would be subject to the following limitations:

- (A) The exemption would only apply to lighting of US flags.
- (B) The exemption would only apply within the veterans' section of an existing cemetery.
- (C) Lighting fixtures would be limited to 2,500 lumens.

RESULT: The limited applicability of the exemption and the restriction on the light source's luminance would ensure that lighting impacts on state or federal highways, Pioneer Trail, Lake Tahoe, public recreation areas, and/or designated bicycle trails would be minimal.

19. Recreation

Does the proposal:

a. Create additional demand for recreation facilities?

- Yes No
- No, With Mitigation Data Insufficient

b. Create additional recreation capacity?

- Yes No
- No, With Mitigation Data Insufficient

c. Have the potential to create conflicts between recreation uses, either existing or proposed?

- Yes No
- No, With Mitigation Data Insufficient

d. Result in a decrease or loss of public access to any lake, waterway, or public lands?

- Yes No
- No, With Mitigation Data Insufficient

20. Archaeological/Historical

a. Will the proposal result in an alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building?

- Yes No
- No, With Mitigation Data Insufficient

b. Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records?

- Yes No
- No, With Mitigation Data Insufficient

c. Is the property associated with any historically significant events and/or sites or persons?

- Yes No
- No, With Mitigation Data Insufficient

d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?

- Yes No
- No, With Mitigation Data Insufficient

e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?

- Yes No
- No, With Mitigation Data Insufficient

21. Findings of Significance.

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?

- Yes No
- No, With Mitigation Data Insufficient

b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)

- Yes No
- No, With Mitigation Data Insufficient

c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?)

- Yes No
- No, With Mitigation Data Insufficient

d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?

- Yes No
- No, With Mitigation Data Insufficient

MITIGATION MEASURES

(1) The exemption on uplighting shall apply only when both of the following criteria are met:

- a. The lighting is needed to illuminate the US flag within the veterans' section of an existing cemetery; and
- b. Downlighting has been determined to be infeasible.

(2) The lighting shall be the minimum necessary to properly illuminate the US flag.

(3) In no case shall a lighting fixture exceed 2,500 lumens.

Determination:

On the basis of this evaluation:

- a. The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.


Yes No

- b. The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules and Procedures.

Yes No

- c. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this chapter and TRPA's Rules of Procedure

Yes No



Signature of Evaluator

Date June 3, 2019

Michael T. Conger, AICP, Senior Planner
Title of Evaluator

