Required Findings & Finding of No Significant Effect
for Chapter 36 Code Amendments

This document contains required findings per Chapters 3 and 4 of the TRPA Code of Ordinances for adoption of amendments to Chapter 36 of the TRPA Code of Ordinances to add Section 36.15, *Stealthing for Wireless Telecommunications Facilities*. The proposed amendment establishes policy direction and additional standards for wireless telecommunications facilities that use synthetic tree limbs, branches, or needles composed substantially of plastic-based materials to simulate vegetation for scenic screening ("Plastic Screening Material").

Chapter 3 Findings:

Finding 3.3.2: The proposed amendments 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.

Rationale: TRPA staff analyzed the potential environmental effects of the proposed amendment to Chapter 36 of the TRPA Code of Ordinances through an Initial Environmental Checklist (IEC). The proposed amendment is programmatic in nature and does not approve any particular wireless telecommunications facility, site-specific development project, or physical change to the environment.

The proposed amendment does not require the use of any specific stealthing technique and does not prohibit approval of any wireless telecommunications facility. Instead, it expresses a policy preference against use of Plastic Screening Material where practicable, encourages applicants to evaluate alternative approaches to minimize visual impacts, and establishes additional requirements for documentation, monitoring, maintenance, and corrective action where Plastic Screening Material is proposed or used.

Because the amendment is limited to policy direction and permit requirements, any future wireless telecommunications facility would continue to be subject to applicable project-level environmental review and permitting in accordance with the TRPA Regional Plan, Code of Ordinances, and Rules of Procedure. The proposed amendment does not authorize additional development, increase development potential, alter growth assumptions, or relax environmental standards. To the contrary, the amendment is intended to reduce the potential for deterioration, fragmentation, shedding, and plastic debris associated with certain stealthing materials and therefore may result in environmental benefit. Based on the information contained within the IEC, the proposed amendment would not have a significant effect on the environment, and TRPA staff prepared a Finding of No Significant Effect in accordance with TRPA Rules of Procedure and Section 3.3.2 of the Code of Ordinances.

Chapter 4 Findings:

Finding 4.4.1.A: The proposed amendments are consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies,

Community Plans/Plan Area Statements, the TRPA Code of Ordinances, and other TRPA plans and programs.

Rationale: The proposed Code amendment is consistent with the Regional Plan because it supports implementation of TRPA's scenic and environmental protection responsibilities while preserving flexibility to evaluate wireless telecommunications facilities on a case-by-case basis. The amendment recognizes that Plastic Screening Material may in some circumstances be necessary to mitigate scenic impacts, but states that such materials are not the preferred design approach due to concerns regarding long-term durability, deterioration, and potential plastic debris and pollution in the environment. It encourages applicants to evaluate alternative design approaches and establishes additional standards where Plastic Screening Material is proposed.

The proposed amendment will not adversely affect implementation of the Regional Plan and will not change land use, density, development rights, allocations, or the amount of development that may occur in the Region. It does not approve any project or require approval or denial of any particular design. Instead, it refines the standards and information that TRPA may apply in reviewing future wireless telecommunications facilities so that scenic protection and environmental protection can be addressed together. Future applications will continue to be reviewed for consistency with all otherwise applicable goals, policies, area plans, plan area statements, Code requirements, and other TRPA plans and programs. Accordingly, the amendment is consistent with and will not adversely affect implementation of the Regional Plan.

Finding 4.4.1.B: The proposed ordinance and amendments will not cause the environmental threshold carrying capacities to be exceeded.

Rationale: As demonstrated in the IEC, no significant environmental effects were identified as a result of the proposed amendment, and the IEC does not identify any threshold that would be adversely affected or exceeded. The amendment does not authorize additional development, does not increase the intensity of use of any parcel, and does not change the amount of growth potential previously analyzed for the Region. Future wireless telecommunications facilities will remain subject to site-specific review for consistency with applicable threshold-related standards, including scenic, water quality, air quality, and other applicable environmental requirements.

The proposed amendment may have a beneficial effect by requiring additional attention to the long-term condition and performance of Plastic Screening Material and by providing TRPA with more consistent authority to require maintenance, monitoring, and corrective action where deterioration, fragmentation, shedding, or debris occurs. Because the amendment does not increase development potential and instead adds additional environmental and maintenance protections to certain permitted facilities, it will not cause the environmental threshold carrying capacities to be exceeded.

Finding 4.4.1.C: Wherever federal, state or local air and water quality standards are applicable for the Region, the strictest standards shall be attained, maintained, or exceeded pursuant to Article V(d) of the Tahoe Regional Planning Compact.

Rationale: Based on the IEC, adoption of the proposed amendment will not cause applicable federal, state, or local air or water quality standards to be exceeded. The amendment does not relax any applicable environmental standard, does not approve construction, and does not create new emissions, discharges, or land disturbance. Future projects will continue to be subject to all otherwise applicable air and water quality standards and to project-level permitting and environmental review.

In addition, the amendment is intended to address a potential source of material degradation and plastic debris by requiring additional consideration, monitoring, maintenance, and corrective action where Plastic Screening Material is used. For that reason, the amendment is environmentally neutral to beneficial with respect to air and water quality protection. Accordingly, adoption of the amendment will not interfere with attainment or maintenance of the strictest applicable air and water quality standards for the Region.

Finding 4.5: The Regional Plan and all of its elements, as amended, achieves and maintains the thresholds.

Rationale: TRPA has previously found that the Regional Plan, as revised, would achieve and maintain the environmental threshold carrying capacities. The proposed amendment does not result in a development action, does not alter growth assumptions, and does not conflict with any Regional Plan provision designed to achieve and maintain the thresholds. Instead, it adds policy direction and permit requirements intended to reduce potential deterioration and debris associated with certain stealthing materials used for wireless telecommunications facilities. Because the amendment does not authorize environmental disturbance and may improve environmental protection in future permitting, the Regional Plan and all of its elements, as amended, will continue to achieve and maintain the thresholds.

Finding 4.6: To approve any amendment or adoption of the Code, Rules, or other TRPA plans and programs that implement the Regional Plan, TRPA shall find that the Regional Plan and all of its elements, as implemented through the Code, Rules of Procedure, and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

Rationale: The Regional Plan and all of its elements, as amended by the proposed addition of Section 36.15 to Chapter 36 of the Code of Ordinances, will continue to achieve and maintain the thresholds. The amendment does not change land use or development potential and does not require approval or denial of any specific facility design. Rather, it provides additional policy guidance and implementation standards for consideration of Plastic Screening Material in future permitting.

The amendment may actively promote threshold achievement and maintenance by encouraging alternative design approaches that minimize reliance on Plastic Screening Material where practicable and by requiring baseline documentation,

monitoring, maintenance, and corrective action where such materials are used. These requirements improve TRPA's ability to address potential material deterioration and debris over time without diminishing scenic review or project-level environmental review. Based on the foregoing, TRPA finds that the Regional Plan and all of its elements, as implemented through the Code, Rules of Procedure, and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

FINDING OF NO SIGNIFICANT EFFECT

Project Description: Amendment to Chapter 36 of the TRPA Code of Ordinances to add Section 36.15, *Stealthing for Wireless Telecommunications Facilities*. The amendment establishes policy direction and additional standards for wireless telecommunications facilities using Plastic Screening Material.

Staff Analysis: In accordance with Article IV of the Tahoe Regional Planning Compact and TRPA Rules of Procedure, TRPA staff reviewed the information submitted with the proposed Code amendment and evaluated its potential environmental effects through an Initial Environmental Checklist. The amendment is programmatic, does not approve any site-specific facility or physical development, does not mandate or prohibit any particular stealthing design, and does not increase development potential in the Region. It instead provides additional standards intended to address potential deterioration, fragmentation, and debris associated with certain stealthing materials used in future wireless telecommunications facility proposals.

Determination: Based on the Initial Environmental Checklist, Agency staff found that the proposed Code amendment will not have a significant effect on the environment. The amendment is environmentally neutral to beneficial and may improve environmental protection by establishing additional requirements where Plastic Screening Material is used.

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TRPA Board Chair or Executive Director Date