

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2019-05

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 September 22, 2019

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held on July 24, 2019, by the following vote:

Ayes: Ms. Aldean, Ms. Berkgigler, Mr. Bruce, Mr. Cashman, Mrs. Cegavske, Ms. Faustinos, Ms. Novasel, Mr. Rice, Mr. Sevison, Mr. Shute, Mr. Yeates

Absent: Mr. Beyer, Ms. Laine, Mr. Lawrence



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.