

**REQUIRED FINDINGS & FINDING OF NO SIGNIFICANT EFFECT  
FOR "ACHIEVABLE" DEFINITION AMENDMENTS; ACCESSORY DWELLING UNIT DRIVEWAY  
AMENDMENT TO THE  
TRPA CODE OF ORDINANCES**

This document contains required findings per Chapter 3 and 4 of the TRPA Code of Ordinances for amendments to the TRPA Code of Ordinances Sections 52.3.4 and 90.2 ("achievable" definition amendments); and Section 34.3.3 (driveways for accessory dwelling units).

Chapter 3 Findings: The following finding must be made based on the information submitted in the Initial Environmental Checklist:

1. 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 prepared an Initial Environmental Checklist (IEC) pursuant to Article VI of TRPA Rules of Procedure and Chapter 3: *Environmental Documentation* of the TRPA Code of Ordinances to evaluate potential environmental effects of the proposed code amendments.

These amendments, as described in the staff report packet, will become part of the Code of Ordinances. Proposed changes are programmatic and not specific to any site location nor any development project, and they do not change any code requirements that affect project evaluation with respect to achieving and maintaining environmental thresholds. Future projects will still be subject to environmental review and analysis in accordance with the TRPA Regional Plan.

Based on the information contained within the IEC, the proposed amendments would not have a significant effect on the environment and TRPA staff prepared a finding of no significant effect in accordance with TRPA's Rules of Procedure Section 6.6 and Code of Ordinance Section 3.3.2.

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Chapter 4 Findings: Threshold-Related Findings

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

Rationale: The proposed amendments help encourage residential bonus units to be used to provide housing for local workers. They also may contribute a small reduction in costs for building accessory dwelling units by removing a requirement that could have led to additional driveway length.

They support the following goals and policies in the Regional Plan:

- GOAL HS-1 Promote housing opportunities for full-time and seasonal residents as well as workers employed within the region.
- GOAL HS-3 Regularly evaluate housing needs in the region and update policies and ordinances if necessary to achieve state, local and regional housing goals.
- POLICY HS-3.1 TRPA shall regularly review its policies and regulations to remove identified barriers preventing the construction of necessary affordable housing in the region. TRPA staff will work with local jurisdictions to address issues including, but not limited to, workforce and moderate income housing, secondary residential units and long term residency in motel units in accordance with the timeline outline in the Implementation Element.

The amendments are consistent with the Tahoe Regional Plan and TRPA Code of Ordinances, as shown in the Conformance Review Checklist, attached to the staff report, and as demonstrated by the IEC.

TRPA therefore finds that the 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 or Ordinances, and other TRPA plans and programs.

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

Rationale: As demonstrated in the completed IEC, no significant environmental effects were identified as a result of the proposed amendments, and the IEC did not find any thresholds that would be adversely affected or exceeded. As found above, the amendments are consistent with and will help to implement the Regional Plan.

Based on the evaluation in the IEC, evaluation of compliance measures, supplemental compliance measures, and threshold indicator sheets, TRPA finds

that the amendments will not cause the thresholds to be exceeded.

3. 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: No applicable federal, state or local air and water quality standard will be exceeded by adoption of the amendments. The proposed amendments do not affect or change the Federal, State or local air and water quality standards applicable for the Region. Projects developed under the Regional Plan will meet the strictest applicable air quality standards and implement water quality improvements consistent with TRPA Best Management Practices (BMPs) requirements and the Lake Tahoe Total Maximum Daily Load (TMDL). Federal, State, and local air and water quality standards remain applicable for all parcels in the region, thus ensuring environmental standards will be achieved or maintained pursuant to the Bi-State Compact.

4. 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, and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

Rationale: As demonstrated in the IEC and threshold indicators report, as well as the compliance measures consistency evaluation, the Regional Plan and all of its elements, as amended, will achieve and maintain the thresholds. The amendments make a minor adjustment to the use of the residential bonus unit incentive pool, to promote consistency with Regional Plan Goals 1 and 3, and remove a barrier to minimizing the impacts of driveways when constructing an accessory dwelling unit. The Regional Plan, as amended by the project, will continue to promote achieving and maintaining the thresholds.



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### **FINDING OF NO SIGNIFICANT EFFECT**

**Project Description:** The “achievable” definition and accessory dwelling unit driveway amendments to the TRPA Code of Ordinances.

**Staff Analysis:** In accordance with Article IV of the Tahoe Regional Planning Compact, as amended, and Section 6.6 of the TRPA Rules of Procedure, TRPA staff reviewed the information submitted with the subject project.

**Determination:** Based on the Initial Environmental Checklist, Agency staff found that the subject project will not have a significant effect on the environment.

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TRPA Executive Director/Designee

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Date