

## REQUIRED FINDINGS FOR AN AMENDMENT TO PLACER COUNTY'S TAHOE BASIN AREA PLAN

This document contains required findings per Chapters 3, 4, and 13 of the TRPA Code of Ordinances (Code) for the amendments to Placer County's Tahoe Basin Area Plan (Area Plan):

Chapter 3 Findings: The following finding must be made prior to amending the Area Plan:

1. Finding: The proposed Area Plan 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: Based on the completed Initial Environmental Checklist (IEC), no significant environmental impacts have been identified as a result of the proposed amendments. The IEC was prepared to evaluate the potential environmental impacts of the proposed amendments and tiers from programmatic analyses contained in the following environmental review documents:

- Placer County Tahoe Basin Area Plan and Tahoe City Lodge Project Environmental Impact Statement/Environmental Impact Report (Area Plan EIS/EIR) (California State Clearinghouse (SCH) Number 20140720039)
- Tahoe Regional Plan Update Environmental Impact Statement (RPU EIS) (California SCH Number 2007092027; Nevada SCH Number E2008-124)

These program-level environmental documents include regional cumulative scale analyses and a framework of mitigation measures that provide a foundation for subsequent, site-specific environmental review documents as individual planning, redevelopment and other projects are proposed. The IEC is tiered from the Area Plan EIS/EIR and RPU EIS in accordance with Section 6.12 of the TRPA Rules of Procedure. The Area Plan EIS/EIR and RPU EIS are programmatic environmental documents prepared pursuant to Article VI of the TRPA Rules of Procedure (Environmental Impact Statements) and Chapter 3 (Environmental Documentation) of the TRPA Code.

The RPU EIS evaluates a comprehensive plan that establishes growth limits, provides policy direction, and enacts development and environmental standards. The Area Plan EIS/EIR evaluates a comprehensive land use plan that implements the Regional Plan and includes greater specificity within the Placer County portion of the Tahoe Region. The Area Plan EIS/EIR analyzes full implementation of uses and physical development proposed under the Area Plan, and it identifies measures to mitigate the significant adverse program-level and cumulative impacts associated with that growth. The Area Plan is an

element of the growth that was anticipated in the 2012 Tahoe Regional Plan Update RPU and evaluated in the 2012 RPU EIS. By tiering from the Area Plan EIS/EIR and RPU EIS, the IEC relies on these documents for the following:

- background and setting information for environmental topic areas,
- regional growth-related issues,
- issues that were evaluated in sufficient detail in the Area Plan EIS/EIR or RPU EIS for which there is no significant new information or change in circumstances that would require further analysis, and
- assessment of cumulative impacts.

Nothing in the IEC in any way alters the obligations of Placer County or TRPA to implement the mitigation measures adopted as part of the Area Plan or RPU, as documented in the Area Plan EIS/EIR or RPU EIS. Consequently, Placer County would adhere to all applicable adopted mitigation measures required by the Area Plan and Regional Plan as a part of the proposed Area Plan amendments.

Adoption of the proposed amendments would amend policies in the TBAP Policy document and the Area Plan Implementing Regulations. The proposed Area Plan amendments focus on process, policy, and code improvements to support appropriate lodging, mixed-use developments, and a variety of housing types, including workforce housing. The amendments also focus on diversifying land uses, with the intent of streamlining planning processes and increasing the diversity of business and housing types. Therefore, the proposed amendments are designed to implement recommendations outlined in the Economic Sustainability Needs Assessment, particularly those focused on process, policy, and code improvements that will facilitate and streamline revitalization projects in the Town Centers and workforce housing throughout North Tahoe. Taken together, these changes seek to accelerate implementation of the goals and policies of the Regional Plan. The proposed Area Plan Policy document changes are summarized in Table 1 of the IEC and the proposed Area Plan Implementing Regulations are summarized in Table 2 of the IEC. The effects of these amendments were evaluated in detail in the IEC and found to be less than significant.

All aspects of the Regional Plan, Area Plan, and TRPA Code not specifically affected by the proposed amendments would continue to apply throughout the plan area. As such, future projects proposed within the plan area would be required to comply with all applicable provisions of the TRPA Code, including requirements for site development, growth management, and resource management and protection, as well as

applicable TRPA standard conditions of approval. Proposed projects within the plan area would be reviewed through applicable TRPA and CEQA environmental review requirements and, if necessary, project revisions or mitigation measures necessary to avoid significant environmental impacts would continue to be required as a condition of approval.

Chapter 4 Findings: The following findings must be made prior to amending the Area Plan:

1. Finding: The proposed Area Plan 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, and other TRPA plans and programs.

Rationale: The Area Plan consists of a Policy document and Implementation Regulations (ordinances) that conform to the Regional Plan. The adopted land use and zoning maps are consistent with Regional Plan Map 1, Conceptual Regional Land Use Map. No modifications to the Area Plan boundaries are proposed.

The proposed amendments to the Area Plan were prepared in conformance with the substantive and procedural requirements of the Regional Plan goals and policies, as implemented through TRPA Code, Chapter 13, "Area Plans." The Area Plan is consistent with the Tahoe Regional Plan and TRPA Code, as shown in the Area Plan Finding of Conformity Checklist and as demonstrated in the IEC. The proposed amendments focus on process, policy, and code improvements to support appropriate lodging, mixed-use developments, and a variety of housing types, including workforce housing. The amendments also focus on diversifying land uses, with the intent of streamlining planning processes and increasing the diversity of business and housing types.

Pursuant to TRPA Code Section 4.4.2, TRPA considers, as background for making the Section 4.4.1.A through C findings, the proposed project's effects on compliance measures (those implementation actions necessary to achieve and maintain thresholds), supplemental compliance measures (actions TRPA could implement if the compliance measures prove inadequate to achieve and maintain thresholds), the threshold indicators (adopted measurable physical phenomena that relate to the status of threshold attainment or maintenance), additional factors (indirect measures of threshold status, such as funding levels for Environmental Improvement Program [EIP] projects), and interim and target dates for threshold achievement. TRPA identifies and reports on threshold compliance measures, indicators, factors, and targets in the threshold evaluation reports prepared pursuant to TRPA Code, Chapter 16, "Regional Plan and Environmental Threshold Review."

TRPA relies upon a project's accompanying environmental documentation, staff's professional analyses, and prior plan level documentation, including findings and environmental documentation, to reach the fundamental conclusions regarding a project's consistency with the Regional Plan and thresholds. A project that is consistent with all aspects of the Regional Plan and that does not adversely affect any threshold is, by definition, consistent with compliance measures, indicators, and targets.

To increase its analytical transparency, TRPA has prepared worksheets related specifically to the TRPA Code Section 4.4.2 considerations, which set forth the 222 compliance and supplemental compliance measures. Effects of the proposed project (here the amendments to support appropriate lodging, mixed-use developments, and a variety of housing types, including workforce housing, and that are intended to streamline planning processes and increase the diversity of business and housing types) on these items, if any, are identified and to the extent possible described.

TRPA cannot identify target dates, status, and trends for some threshold indicators because of a lack of available information. TRPA may still determine whether the project will affect the TRPA Code Section 4.4.2 considerations (and ultimately consistency with the Regional Plan and impact on thresholds) based on the project's specific environmental impacts related to those threshold indicators.

Based on the IEC prepared for the proposed amendments, Area Plan EIS, Area Plan findings made by the TRPA Governing Board, TRPA Code Section 4.4.2 staff analyses, and using applicable measurement standards consistent with the available information, the proposed amendments will not adversely affect applicable compliance and supplemental compliance measures, indicators, additional factors, and attainment of targets by the dates identified in the 2019 Threshold Evaluation. The Area Plan incorporates and/or implements relevant compliance measures, and with implementation of the measures with respect to development within the Area Plan, the effects are not adverse, and with respect to some measures, are positive.

TRPA anticipates that implementation of the proposed amendments could accelerate threshold gains to the extent that it leads to environmental redevelopment in an aging town center.

Section 4.4.2.B also requires TRPA to disclose the impact of the proposed project on its cumulative accounting of units of use (e.g., residential allocations, commercial floor area, tourist accommodation units). The proposed Area Plan amendments do not affect the cumulative accounting of units of use as no additional residential, commercial, tourist, or recreation allocations are proposed or allocated as part of the Area Plan amendments. The proposed amendments promote diversifying land uses, with the intent of streamlining planning processes and increasing the diversity of business and housing types. The proposed process, policy, and code improvements will facilitate and streamline revitalization projects in the Town Centers and

workforce housing throughout North Tahoe but would not increase the number of allowable units of use in the plan area.

Similarly, TRPA Code Section 4.4.2.C requires TRPA to confirm whether the proposed project is within the remaining capacity for development (e.g., water supply, sewage, electrical service) identified in the environmental documentation for the Regional Plan. The amendments do not affect the amount of the remaining capacities available, identified and discussed in the RPU EIS. The Area Plan does not allocate capacity or authorize any particular development.

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, and other TRPA plans and programs.

2. Finding: The proposed Area Plan amendment 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 Area Plan, as amended, is consistent with the Regional Plan.

TRPA reviewed the proposed amendments in conformance with the adopted Threshold Standards and 222 compliance measures and supplemental compliance measures. The amendments will not adversely affect applicable compliance measures, indicators, additional factors, and supplemental compliance measures and target dates as identified in the 2019 Threshold Evaluation indicator summaries. Pursuant to Chapter 13 of the TRPA Code, TRPA will monitor all development projects within the Area Plan through quarterly and annual reports. These reports will be used to evaluate the status and trend of the thresholds every 4 years.

The proposed Area Plan amendments do not affect the cumulative accounting of units of use as no additional residential, commercial, tourist, or recreation allocations are proposed or allocated as part of the Area Plan amendments. The proposed amendments promote diversifying land uses, with the intent of streamlining planning processes and increasing the diversity of business and housing types. The proposed process, policy, and code improvements will facilitate and streamline revitalization projects in the Town Centers and workforce housing throughout North Tahoe but would not increase the number of allowable units of use in the plan area.

The amendments do not affect the amount of the remaining capacity available, as the remaining capacity for water supply, sewage collection and treatment, recreation and vehicle miles travelled have been identified and evaluated in the Area Plan EIS/EIR. No changes to the overall capacity are proposed in the proposed amendments. TRPA therefore finds that the amendments will not cause the thresholds to be exceeded.

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: Based on the following: (1) Area Plan Amendments IEC, (2) Area Plan EIS/EIR, and (3) the 2019 Threshold Evaluation Report, adopted by the Governing Board, no applicable federal, state, or local air and water quality standard will be exceeded by adoption of the amendment. The proposed amendments do not affect or change the federal, state, or local air and water quality standards that apply to the Region. Projects developed under the Area Plan will meet the strictest applicable air quality standards and implement water quality improvements consistent with TRPA Best Management Practices (BMPs) requirements, the Lake Tahoe Total Maximum Daily Load (TMDL), Middle Truckee River Watershed TMDL, and the County's Pollutant Load Reduction Plan (PLRP). Federal, state, and local air and water quality standards remain applicable for all parcels in the Area Plan, thus ensuring environmental standards will be achieved or maintained pursuant to the Bi-State Compact.

The proposed amendments to Policy TC-P-10 in the Area Plan and Section 3.09 of the Implementing Regulations would allow groundwater interceptions for mixed-use projects proposing below-grade parking. When such exceptions are granted, the applicant would be required to demonstrate that the project's impacts have been mitigated to be equal to or better than the original impacts from the proposed project. This policy would strengthen the intent of the Area Plan to condense development in Town Centers and limit impermeable surfaces at street level. The revised policy was guided by Section 33.3.6 of the TRPA Code of Ordinances for mixed use projects in Town Centers.

The amendments to policies and implementing regulations would support implementation of the goals and policies in the existing Area Plan by continuing to promote compact redevelopment of Town Centers and minimizing the environmental impacts from development on water quality and habitat. The amendments that would allow groundwater interception for mixed-use projects would require design approaches to ensure the project does not interfere with groundwater flow or quality. Because these policies would further support implementation of the land use patterns identified in the Area Plan while maintaining regional water quality, the amendments would not result in any new or more severe impacts to water quality.

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

Rationale: **I. Introduction**

In 1980, Congress amended the Compact to accelerate the pace of environmental progress in the Tahoe region by tasking TRPA with adopting a regional plan and implementing regulations that protect the unique national treasure that is Lake Tahoe. First, Article V(b) required that TRPA, in collaboration with Tahoe's other regulatory agencies, adopt "environmental threshold carrying capacities"

(“thresholds” or “standards”) establishing goals for a wide array of environmental criteria, including water quality, air quality, and wildlife. Second, Article V(c) directed TRPA to adopt a “regional plan” that “achieves and maintains” the thresholds, and to “continuously review and maintain” implementation of the plan.

The 1980 Compact inaugurated an era of establishing and enforcing rigorous controls on new development. In 1982, TRPA adopted the necessary thresholds for the Tahoe Region. These thresholds are a mix of both long- and short-term goals for the Tahoe Region. The Region was “in attainment” of a number of these thresholds shortly after the adoption of the Regional Plan and remains in attainment today. Other thresholds address more intractable problems; for example, TRPA established numeric water quality standards that, even under best-case conditions, could not be attained for decades. *See, e.g., League to Save Lake Tahoe v. Tahoe Reg'l Planning Agency*, 739 F. Supp. 2d 1260, 1265 (E.D. Cal. 2010).

The second phase in this process was establishing a regional plan that, when implemented through rules and regulations, would ultimately “achieve and maintain” the thresholds over time. In 1987, following years of negotiation and litigation, TRPA adopted its Regional Plan. The 1987 Regional Plan employed a three-pronged approach to achieve and maintain the adopted environmental thresholds. First, the plan established a ceiling on development in Tahoe and restricted the placement, timing, and extent of new development. Second, the plan sought to prevent new harm to the environment as well as repair the environmental damage caused by existing development, particularly for projects that pre-dated TRPA’s existence (i.e., correcting the “sins of the past”); to this end, the plan created incentives to redevelop urbanized sites under more protective regulations and to transfer development out of sensitive areas that would then be restored. Third, TRPA adopted a capital investment program that was largely, but not exclusively, publicly funded to achieve and maintain thresholds by improving infrastructure and repairing environmental damage. In 1997, TRPA replaced this program with its EIP. In subsequent years, TRPA generated investments of well over \$1 billion in public and private money to restore ecosystems and improve infrastructure under the EIP. Recent litigation confirmed that the Regional Plan as established in 1987 and subsequently amended over time will achieve and maintain the adopted environmental thresholds. *Sierra Club v. Tahoe Reg'l Planning Agency*, 916 F.Supp.2d 1098 (E.D. Cal. 2013) [Homewood litigation].

### **Regional Plan Update Process**

Even though implementation of the 1987 Regional Plan would achieve and maintain the thresholds, in 2004 TRPA began public outreach and analysis of the latest science and monitoring results to identify priority areas in which the Regional Plan could be comprehensively strengthened to accelerate the rate of threshold attainment. TRPA’s policymakers realized that the challenges facing the region differed from those confronting the agency when it adopted its original Regional Plan in 1987. Uncontrolled new growth that had been the primary threat decades earlier had been brought into check by the strict growth limitations in the 1987 Regional Plan. Today’s problems differed, resulting from the continuing deterioration and lack of upgrades

to existing “legacy” development. In essence, to make the greatest environmental difference, the Tahoe region needed to fix what was already in place. In addition, TRPA realized some existing land-use controls could be improved to remove barriers to redevelopment that would address ongoing environmental degradation caused by sub-standard development constructed before TRPA had an adopted Regional Plan or even came into existence. Land use regulations and public and private investment remain essential to attaining the thresholds for Lake Tahoe.

Furthermore, TRPA recognized that the social and economic fabric of the Tahoe Region could not support the level of environmental investment needed. The economic foundation of gaming had fallen away, and the level of environmental investment needed could not be supported solely by an enclave of second homes for the wealthy. Businesses and the tourism sector were faltering. Affordable housing and year-round jobs were scarce. Local schools were closing, and unemployment was unusually high. In light of these realities, TRPA sponsored an ongoing outreach program to obtain input on how to advance TRPA’s environmental goals. Between 2004 and 2010, TRPA conducted over 100 public meetings, workshops, and additional outreach. More than 5,000 people provided input regarding their “vision” for TRPA’s updated Regional Plan. Based on this input, TRPA identified a number of priorities to be addressed by the updated Regional Plan, including:

1. Accelerating water quality restoration and other ecological benefits by supporting environmental redevelopment opportunities and EIP investments.
2. Changing land-use patterns by focusing development in compact, walkable communities with increased alternative transportation options.
3. Transitioning to more permitting by local governments to create “one-stop” and “one permit” for small to medium sized projects, where local government wanted to assume these duties.

On December 12, 2012, TRPA’s 9-year effort culminated with the approval of the RPU.

### **Regional Plan Update Amendments**

The RPU uses multiple strategies targeting environmental improvements to accelerate achieving and maintaining threshold standards in the Region. First, the RPU maintained both regulatory and implementation programs that have proven effective in protecting Lake Tahoe’s environment. TRPA’s regional growth control regulatory system, strict environmental development standards, and inter-agency partnerships for capital investment and implementation (e.g., EIP) remain in place.

Second, the RPU promotes sensitive land restoration, redevelopment, and increases the availability of multi-modal transportation facilities. The implementation of the RPU will facilitate transferring existing development from outlying, environmentally sensitive areas into existing urbanized community centers. The RPU provides incentives so that private capital can be deployed to speed this transformation.



Third, the RPU authorizes the area plan process for communities and land management agencies in the Tahoe Region to eliminate duplicative and unpredictable land use regulations that deterred improvement projects. Area plans, created pursuant to Chapter 13 of the TRPA Code, also allow TRPA and local, state, federal, and tribal governments to expand the types of projects for which local, state, federal, and tribal governments apply TRPA rules to proposed projects within the Tahoe Region. After approval of an area plan by TRPA, this process allows a single government entity to review, permit, and inspect projects in their jurisdiction. All project approvals delegated to other government entities may be appealed to TRPA for final decision. In addition, the performance of any government receiving delegated authority will be monitored quarterly and audited annually to ensure proper application of TRPA rules and regulations.

As noted above, a variety of strategies in the Regional Plan will work together to accelerate needed environmental gains in the categories where threshold benefits are most needed – water quality, restoration of sensitive lands, scenic quality advances in developed scenic units, and efforts to continue maintenance and attainment of air quality standards. Area plans that include “Centers” play a key role in the Regional Plan’s overall strategy by activating environmental redevelopment incentives (e.g., increases in density and height) that also provide the receiving capacity for transfers of units from sensitive lands.

The next section of this finding establishes how the Amended Placer County Tahoe Basin Area Plan fulfills the role anticipated by the RPU and the expected threshold gain resulting from its implementation.

## **II. Area Plan Amendment and Threshold Gain**

The proposed Area Plan amendments would maintain programs in the existing Area Plan that could accelerate threshold gain, including water quality restoration, scenic quality improvement, and other ecological benefits. To the extent that the amendments lead to environmental redevelopment in aging town centers, it would accelerate threshold gain. An increase in redevelopment will likewise increase the rate of threshold gain by accelerating the application of controls designed to enhance water quality, air quality, soil conservation, and scenic quality improvements.

As described in more specific detail below, the amendments will have a potentially beneficial effect on multiple threshold areas.

### **A. Water Quality**

The 2019 Threshold Evaluation found that the trend in reduced lake clarity has been slowed. The continued improvement is a strong indication that the actions of partners in the region are contributing to improved clarity and helping TRPA attain one of its signature goals.

The proposed revisions to Policy TC-P-10 in the Area Plan and Section 3.09 of the Implementing Regulations will allow groundwater interceptions for mixed-use projects proposing below-grade parking. When such exceptions are granted, the

applicant would be required to demonstrate that the project's impacts have been mitigated to be equal to or better than the original impacts from the proposed project. This policy would strengthen the Area Plan's intent to condense development in Town Centers and limit impermeable surfaces at street level. The revised policy was guided by Section 33.3.6 of the TRPA Code of Ordinances for mixed-use projects in Town Centers.

The amendments to policies and implementing regulations would support implementation of the goals and policies in the existing Area Plan by continuing to promote compact redevelopment of Town Centers and minimizing the environmental impacts from development on water quality and habitat. The amendments that would allow groundwater interception for mixed-use projects would require design approaches to ensure the project does not interfere with groundwater flow or quality. Because these revised policies would further support implementation of the land use patterns identified in the Area Plan while maintaining regional water quality.

Potential environmental redevelopment within the amended Area Plan will result in accelerated water quality benefits. Each redevelopment project is required to comply with strict development standards, including water quality BMPs and coverage mitigation requirements, and will provide additional opportunities for implementing area wide water quality systems.

#### B. Air Quality

The 2019 Threshold Evaluation found that the majority of air quality standards are in attainment and observed changes suggest that conditions are improving or stable. Actions implemented to improve air quality in the Tahoe Region occur at the national, state, and regional scale. The US Environmental Protection Agency has established vehicle tail-pipe emission standards and industrial air pollution standards. These actions have resulted in substantial reductions in the emissions of harmful pollutants at state-wide and national scales and likely have contributed to improvement in air quality at Lake Tahoe. At a regional scale, TRPA has established ordinances and policies to encourage alternative modes of transportation and to reduce vehicle idling by prohibiting the creation of new drive-through window establishments and limiting idling during project construction.

Facilitating projects within the approved area plans is an integral component in implementing regional air quality strategies and improvements at a community level. (TRPA Goals and Policies: Chapter 2, "Land Use"). The Area Plan was adopted to implement and achieve the environmental improvement and redevelopment goals of the Regional Plan, and the proposed amendments would further that goal. A primary function of the Amended Area Plan is to consolidate applicable local and regional plans to facilitate implementation of the Regional Plan. Because implementation of the Area Plan would lead to implementation of the Regional Plan, it would directly contribute to achieving and maintaining the air quality threshold.

TRPA's 2020 RTP includes an analysis of its conformity with the California State Implementation Plan to ensure that the RTP remains consistent with state and local

air quality planning work to achieve and/or maintain the national ambient air quality standards (NAAQS). The proposed amendments do not propose substantial changes to land use assumptions and would not change the conformity determination by state regulators.

The proposed Area Plan amendments would not change the development potential within the plan area, so the location, amount, and type of construction activities within the plan area would not change substantially. Operational emissions would also not change substantially because the Area Plan Amendments would not change air quality regulatory requirements, increase vehicle use, or alter the amount or type of development possible within the plan area. The proposed amendments could affect the land use pattern by encouraging redevelopment of Town Centers; promoting mixed-use projects; encouraging shared parking; encouraging affordable, moderate, or achievable housing; allowing food trucks and mobile vendors; and supporting the Resort Triangle Transportation Plan. Taken together, these changes would encourage more concentrated development within Town Centers with less development outside of the Town Centers. This land use pattern would create residences near commercial uses and potentially generate the shorter trip lengths and reduce vehicle miles traveled (VMT) needed to meet the Air Quality Thresholds.

#### C. Soil Conservation

The 2019 Threshold Evaluation found negligible change in the total impervious cover in the Region over the last 5 years and the majority of soil conservation standards in attainment. While the permitting process of partners has been effective in focusing development on less sensitive lands and encouraging removal of impervious cover from sensitive areas, there is still much work to be done. Plans for large scale stream environment zone (SEZ) restoration, recent improvements in the development rights program, and implementation of the area plans will continue to help achieve SEZ restoration goals.

As summarized in Table 3-1 of the IEC, the plan area exceeds the amount of coverage allowed in land capability districts 1b and 2. This indicates that future redevelopment would be required to implement excess land coverage mitigation strategies and relocation of development from sensitive land consistent with the Regional Plan. Furthermore, redevelopment permitting would require these properties to incorporate modern site design standards, including landscaping, BMPs, and setbacks. These standards would likely result in the removal of existing land coverage for properties that are overcovered. Any projects on over-covered parcels implemented within the amended Area Plan would include excess land coverage mitigation. The coverage limits and policies in the proposed Area Plan would not be changed by the proposed amendments and the proposed developed allocation system would clarify allowable coverage for future projects. This would support attainment of TRPA Threshold Standards related to land coverage consistent with the limits allowed by the land capability and Individual Parcel Evaluation System systems. Therefore, the amendments will help to accelerate threshold gain through soil conservation.

#### D. Scenic Quality

The 2019 Threshold Evaluation found that scenic gains were achieved in developed areas along roadways and scenic resources along the lake's shoreline, the areas most in need of additional scenic improvement. Overall, 93 percent of the evaluated scenic resource units met the threshold standard and no decline in scenic quality was documented in any indicator category.

TRPA-designated scenic travel units within the Area Plan include those along State Route (SR) 89, SR 28, and Lake Tahoe. The proposed amendments to Area Plan policies and Implementing Regulations include clarification of existing scenic requirements, support for public art, and slightly more compact development within Town Centers, due to incentives for affordable housing, changes to setbacks, and allowances for tiny homes. Most of the existing design standards would continue to apply, which have been demonstrated to result in improved scenic quality and community character as older, non-conforming development is replaced with new buildings consistent with current standards (TRPA 2023). Therefore, it is reasonable to expect that redevelopment under the Area Plan, as amended, would continue to result in incremental improvements in scenic quality and a built environment that is consistent with the community character. Any subsequent projects carried out under the amended Area Plan would be required to make project-specific findings, as well as the Chapter 4 threshold findings and Chapter 37 height findings in the TRPA Code.

Consistent with the Regional Plan, the Area Plan allows for changes in the built environment through use of remaining allocations, use of newly authorized allocations, and implementation of design standards and guidelines and Code provisions that ultimately affect the form of new development and redevelopment. The Area Plan implements, and is consistent with, the provisions of the Regional Plan (such as increased density and height in community centers) intended to incentivize redevelopment, while protecting scenic resources. The Area Plan Area-wide Standards and Guidelines (Implementing Regulations, Chapter 3) are designed to guide development that would reflect the character of the area, protect viewsheds, and substantially improve the appearance of redevelopment projects.

#### E. Vegetation

The 2019 Threshold Evaluation found that vegetation in the Region continues to recover from the impacts of legacy land use. The majority of vegetation standards that are currently not in attainment relate to common vegetation in the Region. This finding is consistent with those of past threshold evaluations. As the landscape naturally recovers from the impacts of historic logging, grazing, and ground-disturbance activities over the course of this century, many of the standards are expected to be attained.

The plan area includes extensive undeveloped areas primarily characterized by the dominant vegetation habitat types of Sierran Mixed conifer, Jeffery pine (*Pinus jeffreyi*), white fir (*Abies concolor*), and perennial grasslands. The urban zones are along the shoreline and lower canyons surrounded by mixed conifer forests. The

proposed Area Plan amendments would not change land use classifications or allow new uses that would be more likely to require vegetation removal. These amendments would facilitate more concentrated redevelopment in existing Town Centers, which could reduce the potential for development on vacant lands containing native vegetation because a higher proportion of future growth would likely occur in already developed Core Areas. The proposed amendments would not alter or revise the regulations pertaining to native vegetation protection during construction. Consistent with existing conditions, individual projects implemented under the Area Plan are required to comply with Section 33.6, "Vegetation Protection During Construction," of the TRPA Code. Protective requirements include installation of temporary construction fencing, standards for tree removal and tree protection, standards for soil and vegetation protection, and revegetation of disturbed areas.

The proposed amendments would not result in direct tree or vegetation removal. Future projects are subject to project-level environmental review and the removal of native, live, dead, or dying trees must be implemented consistent with Chapter 61, "Vegetation and Forest Health," of the TRPA Code.

#### F. Recreation

The 2019 Threshold Evaluation found that land acquisition programs and the Lake Tahoe EIP have contributed to improved access and visitor and resident satisfaction with the quality and spectrum of recreation opportunities. Partner agencies have improved existing recreation facilities and created new ones, including providing additional access to Lake Tahoe, hiking trailheads, and bicycle trails. Today's emerging concerns are transportation access to recreation sites and maintaining quality recreation experiences as demand grows, concerns that may require the Region to revisit policies and goals for the recreation threshold standards.

The plan area contains numerous recreational opportunities within its boundaries. Tahoe City Public Utility District (TCPUD) and North Tahoe Public Utility District (NTPUD) manage recreation facilities throughout the plan area, including beaches, day-use areas, lakeside parks, hiking and biking trails, and boat launch facilities. Some of the other agencies and organizations that contribute to the development and management of recreational facilities within the plan area include the US Forest Service, California Tahoe Conservancy, California Department of Parks and Recreation, Tahoe Rim Trail Association, Tahoe Fund, and the County.

The proposed amendments do not alter regulations related to recreation or approve changes to existing recreation facilities that would affect access or visitor and resident satisfaction with the quality and spectrum of recreation opportunities.

Although the proposed Area Plan amendments could modestly increase the pace of construction within the plan area, they would not increase the potential for growth in the plan area beyond that which could already occur under the existing Area Plan. As such, because potential future growth in the plan area is limited, the demand for recreation facilities would not substantially increase. The existing Area Plan already includes appropriate strategies to provide additional recreation capacity consistent

with demand. The proposed Area Plan amendments do not approve any projects that would affect recreation demand or capacity and all future projects would be assessed for their impact on access to or the quality of existing recreation opportunities.

The approval of any project proposing the creation of additional recreational capacity would be subject to subsequent project-level environmental review and permitting and, if applicable, would be subject to the Persons At One Time (PAOT) system of recreation allocations administered by TRPA as described in Section 50.9, "Regulation of Additional Recreation Facilities," of the TRPA Code. No additional PAOTs are proposed by the amendment.

In addition, the existing Area Plan is consistent with applicable plans that guide existing and proposed recreation uses, which would be unchanged.

#### G. Fisheries

While the 2019 Threshold Evaluation found standards for fisheries to generally be in attainment, the standards focus on physical habitat requirements that may not reflect the status of native fish populations. Recent population surveys in Lake Tahoe suggest significant declines in native fish species in parts of the nearshore. Declines are likely the result of impacts from the presence of aquatic invasive species in the lake. While efforts to prevent new invasive species from entering the lake have been successful, mitigating the impact of previously introduced existing invasive species remains a high priority challenge. Invasive species control projects are guided by a science-based implementation plan. Ensuring native fish can persist in the region and the restoration of the historic trophic structure to the lake will likely require partners to explore novel methods to control invasive species and abate the pressure they are placing on native species. Climate change driven shifts in the timing and form of precipitation in the Region pose a longer-term threat to native fish that may need to be monitored.

BMPs required for project development would improve water quality and thus could contribute to improved riparian and lake conditions in receiving water bodies. The Area Plan amendments will not alter the resource management and protection regulations, Chapters 60 through 68 of the TRPA Code. Chapter 63, "Fish Resources," includes the provisions to ensure the protection of fish habitat and provide for the enhancement of degraded habitat. Development within the Area Plan could benefit the fisheries threshold through goals and policies aimed at the restoration of SEZs and implementation of BMPs.

#### H. Wildlife

The 2019 Threshold Evaluation found that 12 of the 16 wildlife standards are in attainment. Over 50 percent of the land area in the Tahoe region is designated for protection of listed special-status species. Populations of special interest species are either stable or increasing.

Future redevelopment projects in the Area Plan would be subject to project-level environmental review and permitting at which time the proposals would be required

to demonstrate compliance with all federal, state, and TRPA regulations pertaining to the protection of animal species in accordance with Section 62.4 of the TRPA Code. Therefore, implementation of the proposed amendments would not result in the reduction in the number of any unique, rare, or endangered species of animals, including waterfowl.

#### I. Noise

The 2019 Threshold Evaluation found that ambient noise levels in seven of nine land-use categories are in attainment with standards, but because of the proximity of existing development to roadways just two of seven transportation corridors are in attainment with ambient targets. Due to insufficient data, status determinations were not possible for nearly half of the single event noise standards. Limited noise monitoring resources were prioritized towards collecting more robust information to analyze ambient noise standards, which are more conducive to influence by management actions than are single event sources. TRPA continues to update and evaluate its noise monitoring program to ensure standards are protective and realistically achievable.

As discussed in the IEC, the Area Plan amendments would not alter noise policies and the adopted TRPA CNEL threshold standards, and Regional Plan noise policies would continue to be applied. Future projects within the plan area would be evaluated at a project level and Placer County or TRPA would enforce CNEL standards on a project-by-project basis pursuant to the noise limitations in TRPA Code Chapter 68, "Noise Limitations." Through the project-level analysis, TRPA or Placer County would only approve projects that can demonstrate compliance with TRPA's threshold standards (i.e., CNEL standards). The existing Area Plan CNEL standards are consistent with the TRPA's threshold standards; thus, future projects under the amendments would only be approved by TRPA or Placer County if they can demonstrate compliance with these CNEL standards.

#### III. Conclusion

Based on the foregoing: completion of the IEC, previously certified Area Plan EIR/EIS, and the findings made on January 25, 2017, TRPA finds the Area Plan, as amended by the project achieves and maintains the thresholds. As described above in more detail, the Area Plan as amended actively promotes threshold achievement and maintenance by (1) potentially incentivizing environmentally beneficial redevelopment, (2) requiring the installation of BMP improvements for all projects in the Area Plan, (3) requiring conformance with the Area-wide Standards and Guidelines that will result in improvements to scenic quality and water quality, (4) facilitating redevelopment in proximity to alternative modes of transportation to reduce VMT; and (5) incorporating projects identified in the County's PLRP to guarantee the assigned reductions necessary to meet water quality objectives. In addition, as found in Chapter 4 Findings 1 through 3 and the Chapter 13 Findings, no element of the proposed amendments interferes with the efficacy of any of the other elements of the Area Plan. Thus, the Regional Plan, as amended by the Amended

Area Plan, will continue to achieve and maintain the thresholds.

Chapter 13 Finding: The following findings must be made prior to amending the Area Plan:

1. Finding: The proposed Area Plan amendment is consistent with and furthers the goals and policies of the Regional Plan.

Rationale: Regional Plan Land Use Policy 4.6 encourages the development of area plans that supersede existing plan area statements and community plans or other TRPA regulations to be responsive to the unique needs and opportunities of communities. The proposed Area Plan amendments were found to be consistent with the goals and policies of the Regional Plan and would accelerate implementation of Regional Plan goals and policies, as described in the Area Plan Finding of Conformity Checklist (Attachment F to the staff summary), and as described in Chapter 4, Finding #1, above.

The finding of no significant effect based on the IEC can be found on the subsequent page.



**FINDING OF NO SIGNIFICANT EFFECT**

**Project Description:** Proposed amendments to the Placer County Tahoe Basin Area Plan.

**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.

\_\_\_\_\_  
TRPA Executive Director/Designee

\_\_\_\_\_  
Date