

Attachment D
Required Findings & Finding of No Significant Effect
for Permitting Improvement Project Amendments

This document contains required findings per Chapter 3 and 4 of the TRPA Code of Ordinances for amendments to the TRPA Code of Ordinances Chapters 2, 30, 37, 50, 60, 65, 66, 67, 82, 84, and 90; Rules of Procedure Articles 5, 10, 12, and 16; Design Review Guidelines Appendix H; and Fee Schedule as part of the Permitting Improvement Project.

TRPA Code of Ordinances Section 3.3: Determination of need to prepare Environmental Impact Statement

Finding: TRPA finds that the Regional Plan and code amendments will not have a significant effect on the environment.

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 amendments for the permitting system, as seen in Attachment B. The IEC tiered from the TRPA 2012 *Regional Plan Update* (RPU) Environmental Impact Statement (EIS) and the TRPA *Mobility 2035: Regional Transportation Plan/Sustainable Communities Strategy* (RTP) EIS/Environmental Impact Report (EIR) in accordance with Sections 6.12j of the TRPA Rules of Procedure.¹

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 to TRPA's Rules of Procedure Section 6.6 and Code of Ordinance Section 3.3.2.

TRPA Code of Ordinances Section 4.4: Threshold Related Findings

Finding: The project (ordinance) 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 amendments are consistent with and will not adversely affect the Regional Plan, including all applicable Goals and Policies (as

¹ The TRPA Governing Board certified the RPU EIS and RTP EIR/EIS on December 12, 2012.

discussed below), plan area statements and local planning areas, the Code and other TRPA plans and programs.

The Permitting Improvement Project amendments are primarily intended to provide further clarification of existing environmentally beneficial regulations as opposed to the creation or removal of regulations within the TRPA Code of Ordinances and Rules of Procedure. Where criterion has been expanded (e.g. new exempt activities or expanding permissible coverage exemptions), the amendments are consistent in scale and scope of similar activities found within the applicable sections of the code and maintain the same requirements (such as installation of stormwater systems and compliance with design and development guidelines). Clarification of existing land use regulations such as reflectivity, land coverage, coverage exemptions, height, etc may serve to increase the rate of threshold attainment by way of improved and consistent application. The proposed amendments are consistent with Regional Plan goals and policies, including but not limited to the allowance of coverage transfers with limited applicability (LU-2.11) and encouraging the rehabilitation and redevelopment of existing properties as a high priority (LU-2.12). The amendment packet also serves to implement agency goals of regularly reviewing policies, regulations, and procedures to identify and remove barriers hindering environmentally beneficial redevelopment.

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

Rationale: The proposed amendments will not cause the environmental threshold carrying capacities to be exceeded. The Regional Plan EIS analyzed full development build out potential within the Tahoe region. The findings for adoption of the Regional Plan in 2012 demonstrated that implementation of the Regional Plan would not cause Environmental Threshold Carrying Capacities to be exceeded.

The proposed amendments were evaluated against all adopted threshold compliance measures. (See Attachment C.) The proposed amendments to the Code, Rules, Design Review Guidelines, and Fees will not negatively impact any compliance measures such as the Water Quality/SEZ, Air Quality/ Transportation, Noise, and Scenic compliance measures. It is anticipated that the amendments over time will help to accelerate threshold attainment in areas such as water quality with

project requirements in place to further ensure that properties install and maintain stormwater infiltration systems (BMPs).

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 will not affect any state, federal, or local standards. The amendments are intended to attain and maintain adopted standards, as described above.

TRPA Code of Ordinances Section 4.5: Findings Necessary to Amend the Regional Plan, Including Goals and Policies and Plan Area Statements and Maps

Finding: The Regional Plan, as amended, achieves and maintains the thresholds.

Rationale: In 2012, TRPA found that the Regional Plan as revised would achieve and maintain thresholds. Those findings are incorporated by reference here. The proposed amendments do not conflict with any Regional Plan provision designed to achieve and maintain thresholds. As discussed in finding 4.4 above, the proposed amendments will improve the implementation of threshold attainment strategies by encouraging environmentally beneficial redevelopment.

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: As discussed within Section 4.4 and 4.5 above, the Regional Plan and all of its elements (i.e. Code of Ordinances, Rules of Procedures, etc.), as amended, achieves and maintains thresholds. The proposed amendments will improve the implementation of threshold attainment strategies by encouraging environmentally beneficial redevelopment.

STATEMENT OF NO SIGNIFICANT EFFECT

- Project Description: Permitting Improvement Project Proposed Amendments to the TRPA Code of Ordinances Chapters 2, 30, 37, 50, 60, 65, 66, 67, 82, 84, and 90; Rules of Procedure Articles 5, 10, 12, and 16; Design Review Guidelines Appendix H; and Fee Schedule.
- 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