

REQUIRED FINDINGS AND RATIONALE FOR APPROVAL OF THE  
NATURAL GROCERS COMMERCIAL PROJECT

The following findings in Chapter 3: *Environmental Documentation*, Chapter 4: *Required Findings*, Chapter 30: *Land Coverage*, Chapter 33: *Grading and Construction*, and Chapter 37: *Height* of the TRPA Code of Ordinances must be made in order to approve the project:

**CHAPTER 3 ENVIRONMENTAL DOCUMENTATION**

Finding 3.3.2.A            The project could have a significant effect on the environment but, due to the listed mitigation measures that have been added to the project, the project could have no significant effect on the environment and a mitigated findings of no significant effect shall be prepared in accordance with Rules of Procedure Section 6.7

Rationale:                Based on the information submitted in the Initial Environmental Checklist (IEC), the proposed project, as conditioned in the draft permit, will not have a significant effect on the environment. TRPA has prepared a finding of mitigated no significant effect as required by the Rules of Procedure, Section 6.7.

**CHAPTER 4- REQUIRED FINDINGS**

Finding 4.4.1.A:            The project 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 project complies with the Regional Plan and is consistent with the uses and goals and policies of the Washoe County Area Plan. The commercial use is compatible with surrounding commercial uses in Incline Town Center, and the project is consistent with the Area Plan design standards and guidelines. Therefore, the project, as conditioned in the draft permit (Attachment B) is compliant with all provisions of the Regional Plan and will not adversely affect its implementation.

Finding 4.4.1.B:            The project will not cause the environmental threshold carrying capacities to be exceeded.

Rationale:                Based on completion of the TRPA Initial Environmental Checklist (IEC), the proposed project as conditioned in the draft permit will not cause any environmental threshold carrying capacity to be exceeded.

Finding 4.4.1.C:            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 project will not alter federal, state, or local air or water quality standards currently in place. Therefore, the strictest standards will continue to be attained,

## CHAPTER 30- LAND COVERAGE

### 30.4.4                      Relocation of TRPA-Verified Existing Land Coverage

Finding 30.4.4.A            The relocation is to an equal or superior portion of the parcel or project area, as determined by references to the following factors:

1. Whether the area of relocation already has been disturbed
2. The slope of and natural vegetation on the area of relocation
3. The fragility of the soil on the area of relocation
4. Whether the area of relocation appropriately fits the scheme of use of the property
5. The relocation does not further encroach into a stream environment zone, backshore, or the setbacks established in the Code for the protection of stream environment zones or backshore
6. The project otherwise complies with the land coverage mitigation program set forth in section 30.6

Rationale:                      The property has verified coverage in both Class 4 and Class 6. Coverage is being relocated within the project area, with all relocation from a lower land capability class (Class 4) to a higher land capability class (Class 6). with both land capability classes exceeding the base allowed coverage. The project is eligible to transfer in additional coverage up to 70%, per the Washoe County Area Plan, so additional coverage is being transferred into Class 4 and Class 6.

Finding 30.4.4.B            The area from which the land coverage was removed for relocation is restored in accordance with Subsection 30.5.3.

Rationale:                      All existing disturbed areas that will not have coverage as part of the final project will be restored in accordance with the proposed landscape plan.

Finding 30.4.4.C.            The relocation is not to Land Capability Districts 1a, 1b, 1c, 2, or 3 from any higher numbered land capability district.

Rationale:                      The project area does not contain and low capability land.

Finding 30.4.4.D.1            If the relocation from one portion of a stream environment zone to another portion, there is a net environmental benefit to the stream environment zone.

Rationale:                      The project area does not contain any Stream Environment Zone area, so this finding does not apply.

Finding 30.4.4.D.2            Retirement of land coverage in the affected stream environment zone in the amount of 1.5:1 of the amount of land coverage being relocated within a stream environment zone; or

Rationale: The project area does not contain any Stream Environment Zone area, so this finding does not apply.

Finding 30.4.4.D.3 For projects involving the relocation of more than 1,000 square feet of land coverage within a stream environment zone, a finding, based on a report prepared by a qualified professional, that the relocation will improve the functioning of the stream environment zone and will not negatively affect the quality of existing habitats.

Rationale: The project area does not contain any Stream Environment Zone area, so this finding does not apply.

### **CHAPTER 33- GRADING AND CONSTRUCTION**

Finding 33.3.6.B Excavations in excess of five feet in depth or where there exists a reasonable possibility of interference or interception of a water table shall be prohibited unless TRPA finds that:

1. A Soils/Hydrologic report prepared by a qualified professional, which proposed content and methodology has been reviewed and approved in advance by TRPA, demonstrates that no interference or interception of groundwater will occur as a result of the excavation

Rationale: Excavation for the project will be approximately ten feet below ground surface, as approved in TRPA Soil Hydrologic application LCAP2021-0042. The site was analyzed by TRPA staff and no evidence of ground water was found within this depth.

### **CHAPTER 37- HEIGHT (WASHOE COUNTY AREA PLAN SUBSTITUTE STANDARDS)**

Washoe County Area Plan- Appendix A- Height: Development within a designated Town Center is permitted to be 4 stories (56 feet) maximum, when the following conditions are met:

Finding a. The project is designed to meet the greenhouse gas reduction standard described in Section 110.220.415, *Greenhouse Gas Reduction*.

Rationale: The Greenhouse Gas Reduction strategies for this project will be reviewed and approved by Washoe County.

Finding b. The project meets all other applicable design standards for the Town Center.

Rationale: This redevelopment project has been designed to meet applicable design standards found in the Washoe County Area Plan. By replacing aging commercial buildings, many design and scenic improvements will be implemented, including undergrounding of electrical lines, screening parking areas with native landscaping, increased building setback, use of building colors and materials that are compatible with the natural surroundings, and architectural articulation to create an interesting aesthetic and avoid a “box-like” structure.

Finding c. The project does not degrade any applicable established scenic threshold as described in the Tahoe Area Plan Conservation Element.

Rationale: The project is in Roadway Unit #22- Crystal Bay, which is a stretch of Highway 28 currently out of attainment with scenic thresholds and targeted for improvement in the Tahoe Scenic Quality Improvement Program. Many of the design elements contained in the proposed project specifically address issues found during the last analysis of the roadway unit, including added landscape screening, improved architectural design features of man-made structures, increased building setbacks, undergrounding of electrical lines, and use of dark earth tone colors.

Finding d. The following findings in Section 37.7 of the TRPA Code of Ordinances are made as part of project approval:

Finding 37.7.1 When viewed from major arterials, scenic turnouts, public recreation areas, or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline. For height greater than that set forth in Table 37.4.1-1 for a 5:12 roof pitch, the additional height shall not increase the visual magnitude beyond that permitted for structures in the shoreland as set forth in subsection 66.3.7, Additional Visual Magnitude, or Appendix H, Visual Assessment Tool, of the Design Review Guidelines.

Rationale: The proposed project is not visible from the waters of Lake Tahoe, but is visible from Scenic Roadway Unit #22, Crystal Bay. The average tree canopy height is 100-feet tall. The proposed building height of 49-feet 10-inches will not exceed the tree canopy.

Finding 37.7.3 With respect to that portion of the building that is permitted the additional height, the building has been designed to minimize interference with existing views within the area to the extent practical.

Rationale: The proposed project uses additional height allowances for buildings in the town center. Even with the additional height, the proposed building will not disrupt any view of Lake Tahoe or mountain backdrops. When looking at the project site from the roadway, the existing view is lightly forested with scattered commercial and residential development.

Finding 37.7.5 The portion of the building that is permitted additional building height is adequately screened, as seen from major arterials, the waters of lakes, and other public areas from which the building is frequently viewed. In determining the adequacy of screening, consideration shall be given to the degree to which a combination of the following features causes the building to blend or merge with the background.

A. The horizontal distance from which the building is viewed;

B. The extent of screening; and

C. Proposed exterior colors and building materials.

Rationale:

A landscape plan has been designed to provide screening of the built environment. Landscape strips will run along the sidewalk fronting Highway 28, on both sides of the building, and along the property lines. Landscape screening along the sides of the building will help minimize the scenic impact of the structure from traffic travelling both eastbound and westbound.

Finding 37.7.9

When viewed from a TRPA scenic threshold travel route, the additional building height granted a building or structure shall not result in the net loss of views to a scenic resource identified in the 1982 Lake Tahoe Basin Scenic Resource Inventory. TRPA shall specify the method used to evaluate potential view loss.

Rationale:

Per the 1982 Lake Tahoe Basin Scenic Resource Inventory, the existing view in this area is described as having extensive commercial development on both sides of the road with obtrusive utilities, eroding banks, and little vegetative screening. There are no established views of Lake Tahoe or uninterrupted mountain backdrops in this location, which is taken into consideration when determining potential for view loss. Although the size of the building will increase as part of the proposed project, undergrounding of utility lines, increased vegetative screening, and use of approved earth tone colors will lessen the impact of the new development. The structure will be setback approximately 80-feet from the edge of the road, which also helps preserve views for eastbound or westbound travelers. Although no existing eroding slopes in the project area, increased landscaping and a retaining wall will prevent future erosion.