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STAFF REPORT

Date: January 4, 2022

To: TRPA Advisory Planning Commission (APC)

From: TRPA Staff

Subject: Amendment to Douglas County's South Shore Area Plan to Allow Religious Assemblies as a Permitted Use in the Tahoe Mixed-Use Zone

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Summary and Staff Recommendation:
Douglas County will provide an overview of the proposed amendment to the South Shore Area Plan (SSAP), changing religious assemblies from a special use to an allowed use in the Tahoe Mixed-Use (T-MU) zone. Staff believe that this amendment is consistent with the vision and purpose of the SSAP and Regional Plan. Furthermore, the amendment ensures that the SSAP is consistent with federal law regarding religious land uses. The proposed amendment has been adopted by the Douglas County Board of County Commissioners and was presented as an informational item to the Regional Plan Implementation Committee on December 14, 2022. All RPIC and public comments during the December 14 presentation were in support of the amendment. Staff seeks Advisory Planning Commission (APC) discussion and recommendation of approval to the TRPA Governing Board for adoption of the proposed area plan amendment.

Required Motions:
To recommend adoption of the area plan amendment, APC must make the following motion(s), based on the staff summary:

1) A motion to recommend approval of the Required Findings, as described in Attachment D, including a Finding of No Significant Effect, for adoption of the Area Plan amendment as described in the staff summary; and
2) A motion to recommend adoption of Ordinance 2023-__, amending Ordinance 2013-05, to amend the Douglas County South Shore Area Plan as shown in Attachment C.

An affirmative vote of a majority of the quorum present is required for a motion to pass.

Project Description/Background:
Since the 2012 Regional Plan Update, TRPA has encouraged local jurisdictions to develop Area Plans to replace the former local planning documents: Plan Area Statements and Community Plans. Area Plans are collaborative documents which become a component of both the Regional Plan and the city or county's comprehensive plan. They represent a paradigm shift for TRPA since they enable TRPA to transition its focus to regional issues while allowing local jurisdictions greater autonomy to define and manage their own local land use.

The TRPA Governing Board approved the SSAP in September 2013. The plan encompasses a portion of Douglas County's jurisdiction in the Tahoe Basin, extending from the California state line to Burke Creek and from the Tahoe Shoreline to Pinecrest Drive on lower Kingsbury Grade Road. The plan includes two town center districts to accommodate mixed-use and tourist facilities in the area. The Nevada South Stateline Resort Area Casino Core encompasses the South Stateline casino core, focusing on providing accommodations for tourists. The Kingsbury Commercial Town Center District aims to achieve, "a mix of tourist, recreation, commercial, light industrial, public service, and residential use" (Sec. 20.703.060). The proposed amendment pertains specifically on the Tahoe Mixed-Use Zone of the Kingsbury Commercial Town Center District.

Through nearly a decade of implementation, the SSAP has facilitated development across the plan area. Most notably, the Edgewood Resort and Tahoe Events Center were recently developed within the SSAP. That said, over nine years of implementation, Douglas County staff have identified areas where the SSAP could better implement the area's vision for development.

While reviewing a recent development application for a synagogue at the corner of Market Street and Kingsbury Grade Road, Douglas County staff found that the Area Plan did not offer sufficient justification for requiring a special use permit for religious assemblies in the Kingsbury Commercial Town Center District's Tahoe Mixed-Use zone. In addition to finding religious assemblies consistent with the district's vision and purpose, staff also found that other similar uses, specifically membership organizations, were permitted by right in the Tahoe Mixed-Use zone. Douglas County staff believe that this discrepancy is inconsistent with the plan's vision and places an undue burden on religious organizations.

The proposed amendment seeks to remedy this issue by permitting religious assemblies by right in the Tahoe Mixed-Use zone, eliminating the need for a special use permit to develop a religious assembly in the zone.

A text amendment applying this change to the Douglas County Code was approved on September 1, 2022 by the Douglas County Board of County Commissioners. A copy of the adopted County Ordinance with redlined plan language is included as Attachment B to this packet. TRPA Governing Board approval is required to amend the SSAP.

Staff seeks APC discussion and recommendation of approval for adoption of the proposed area plan amendment. Based on APC's recommendation and direction, Douglas County will work with TRPA staff to complete any necessary revisions and bring the full amendment package back to RPIC and the Governing Board for a final determination on the proposed amendment.

Environmental Review:

Ascent Environmental completed an Initial Environmental Checklist (IEC) pursuant to Chapter 3: Environmental Documentation of the TRPA Code of Ordinances and Article VI of the Rules of Procedure on behalf of Douglas County (Attachment E). TRPA staff completed a review of the IEC and submitted minor revisions to Ascent which were applied and are reflected in the attachment. The IEC finds that the proposed amendments would not result in significant effects on the environment.

Regional Plan Compliance:

TRPA staff completed a Regional Plan Conformance Review Checklist (Attachment F) and determined that the proposed amendment is consistent with the Regional Plan. The proposed amendment will be reviewed by the APC and the Regional Plan Implementation Committee (RPIC). Recommendations of the

APC and RPIC will then be considered by the Governing Board in determining whether to find the Area Plan amendment in compliance with the Regional Plan.

Contact Information:
For questions regarding this agenda item, please contact Jacob Stock, AICP, Senior Planner, at (775) 589-5221 or jstock@trpa.org.

Attachments:

A. Douglas County Staff Memo
B. Douglas County Ordinance 2022-1603
C. TRPA Ordinance 2023-__
D. Required Findings/Rationale
E. Initial Environmental Checklist
F. Conformity Checklist
G. Compliance Measures Checklist

Attachment A

Douglas County Staff Memo

COMMUNITY DEVELOPMENT
1594 Esmeralda Avenue, Minden, Nevada 89423

Tom Dallaire, P.E.
Community Development Director

775-782-6201
FAX: 775-782-6297
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Building Division
Engineering Division
Planning Division
Code Enforcement

MEMORANDUM

Date: December 15, 2022

To: TRPA Advisory Planning Commission (APC)

From: Kate Moroles-O'Neil, Douglas County Planning Division

Subject: Staff Report RE: Zoning Text Amendment (ref. DP 22-0145), amending Section 20.703.090, subsection .080, of the Douglas County Code relative to the Tahoe Area Plan Regulations

I. SUMMARY

On September 1, 2022, the Douglas County Board of County Commissioners approved Ordinance 2022-1603, a Zoning Text Amendment (ref. DP 22-0145), amending Section 20.703.090, subsection .080, of the Douglas County Code relative to the Tahoe Area Plan Regulations to clarify that religious assemblies are authorized in the Lake Tahoe T-MU (Tahoe Mixed Use) zoning district as a matter of right and thereby eliminating the need for a special use permit. The T-MU zone falls within Douglas County's South Shore Area Plan. Therefore, any amendment requires approval by the TRPA Governing Board before it can be effective.

II. RECOMMENDATION

This is a presentation and request for recommendation to approve a proposed amendment to the South Shore Area Plan changing religious assemblies from a special use to an allowed use in the T-MU zone. Staff seeks Advisory Planning Commission (APC) discussion and recommendation of approval to the TRPA Governing Board for adoption of the proposed area plan amendment.

III. BACKGROUND

When Douglas County was processing development application DP-21-0272 regarding a Special Use Permit for a Synagogue located in the T-MU/Town Center (Tahoe-Mixed Use/Town Center Overlay)

zoning district within the South Shore Area Plan of the Tahoe Region, some issues arose which prompted the proposed amendments.

First, when Staff examined other permitted uses within the T-MU /Town Center zoning district they noticed that there was striking similarity between the definition of "religious assembly" and "membership organizations" set out in Section 20.703.130 of the Douglas County Code ("DCC"). However, membership organizations were allowed by right in the district and religious assemblies required a special use permit. See applicable excerpts from Section 20.703.130 below.

20.703.130 List of primary uses and use definitions

Use	Definition
Religious assembly	Religious organization assembly or institutional facility operated for worship or promotion of religious activities, including churches and incidental religious education. Other establishments maintained by religious organizations, such as full-time educational institutions, hospitals, and other potentially related operations (such as a recreational camp) are not considered a religious assembly and are classified according to their respective activities.
Membership organizations	Permanent meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, such as: business associations; professional membership organizations; labor unions and similar organizations; civic, social and fraternal organizations; political organizations; and other membership organizations. The use does not include country clubs in conjunction with golf courses (see "Golf Courses"); religious organizations ("see Religious assembly"); and lodging (see "Multi-person Dwelling").

Second, it is clear from the description of the zoning district in Section 20.703.060 of the DCC, that the religious assembly use is entirely consistent with the T-MU (Tahoe Mixed Use) zoning district which specifically allows public service uses. Douglas County staff could not find previous justification for allowing religious assemblies only by special use permit. See applicable excerpt from Section 20.703.060 of the Douglas County Code below.

20.703.060 Tahoe Zoning Districts

A. The following zoning districts have been established to implement an Area Plan within Douglas County:

2. "T-MU" (Tahoe – Mixed Use). This district is for areas that are targeted for redevelopment and that may include a mix of tourist, recreation, commercial, light industrial, public service, and residential uses

B. The following overlay zoning districts have been established to implement an Area Plan within Douglas County:

2. TC (Town Center) Overlay. This overlay district is for areas targeted for redevelopment in a manner that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern and provides economic opportunities and future development that will bring environmental gain to the Region.

Furthermore, during the public hearings on DP-21-0272, the attorney representing the Synagogue made it clear that he believed the requirement that religious assemblies must obtain a special use permit was discriminatory in nature and violated the Religious Land Use and Institutionalized Persons Act (RLUIPA). On June 27, 2022, Douglas County was served with a Petition for Judicial Review for the Board of County Commissioners to reconsider granting a special use permit for the synagogue. It is highly likely given the statements by the Synagogue's attorney that the issue of whether Douglas County has violated RLUIPA will be part of this litigation. With the approval of Ordinance 2022-1603 and further TRPA approval of the proposed amendments it is likely that the appeal of the Board's decision will be rendered moot thereby avoiding the unnecessary burden and expense of such litigation and allowing the Synagogue to operate in the district without a Special Use Permit.

In sum, Staff could not explain to the applicant why membership organizations were allowed as a matter of right but religious assemblies were not since the community impacts from the uses were similar and both uses were consistent with the T-MU zone. Therefore, Douglas County staff believe that religious assemblies should be allowed by right in the T-MU zone of the South Shore Area Plan.

V. CONCLUSION

Staff believes all findings can be made to approve the proposed zoning text amendment and that the amendment will support and further the aims of the South Shore Area Plan. Staff requests that APC consider recommendation of approval to the TRPA Governing Board for adoption of the proposed plan amendment.

Attachment B

Douglas County Ordinance 2022-1603

ORDINANCE 2022-1603

SUMMARY

An Ordinance amending Section 20.703.090, subsection .080, of the Douglas County Code relative to the Tahoe Area Plan Regulations to make it clear that religious assemblies are authorized in the Lake Tahoe T-MU (Tahoe Mixed Use) zoning district as a matter of right and thereby eliminating the need for a special use permit. The Board of County Commissioners also finds that religious assemblies are a public service activity similar in nature to membership organizations as set out in Section 20.703.130.

TITLE

Ordinance 2022-1603, a Zoning Text Amendment (ref. DP 22-0145), amending Section 20.703.090, subsection .080, of the Douglas County Code relative to the Tahoe Area Plan Regulations to make it clear that religious assemblies are authorized in the Lake Tahoe T-MU (Tahoe Mixed Use) zoning district as a matter of right and thereby eliminating the need for a special use permit. The Board of County Commissioners further finds that religious assemblies are a public service activity similar in nature to membership organizations as set out in Section 20.703.130.

RECITALS

WHEREAS, on June 20, 2013, the Douglas County Board of County Commissioners (the "Board") adopted Ordinance 2013-1385 which added Chapter 20.703 relative to the Tahoe Area Plan Regulations to Title 20 of the Douglas County Code; and

WHEREAS, on November 21, 2013, the Board adopted Ordinance 2013-1400 which contained amendments to the Tahoe Area Plan Regulations adopted by the Tahoe Regional Planning Agency Board; and

WHEREAS, the Board has determined that religious assemblies are a public service activity that is similar in nature to membership organizations as described in Section 20.703.130 of the Douglas County Code; and

WHEREAS, membership organizations are authorized in the Lake Tahoe T-MU (Tahoe Mixed Use) zoning district as a matter of right; and

WHEREAS, given the similarities between religious assemblies and membership organizations there is no reason why religious assemblies should be required to obtain a special use permit in the Lake Tahoe T-MU (Tahoe Mixed Use) zoning district prior to operation while membership organizations are not subject to a similar requirement.

NOW THEREFORE, based on the foregoing considerations, THE Board of County Commissioners of the County of Douglas does ordain as follows:

Section I. The Douglas Development, Title 20, Section 20.703.090, subsection .080, Tahoe Area Plan Regulations, are hereby amended as follows (new language is in red and underlined and deleted language is stricken through).

20.703.090 South Shore Area Plan permitted, development permitted, and special use permitted uses (Table).

The following list represents those uses in the South Shore Area Plan which are permitted by right (P), require a County Special Use Permit (S), or are prohibited (blank space). "TRPA" is placed before any use requiring a TRPA review or Special Use Determination. Uses not listed are prohibited. Uses listed as permitted may require a Design Review pursuant to Chapter 20.614, *Design Review*, of this code. In cases where a TRPA review or Special Use Determination is required, a County Design Review or Special Use Permit shall not be required. In all cases, the County is responsible for Building Permit and Site Improvement Permit review and approval.

20.703.090 Use	**T-T/HDT**	**T-R**	**T-RR**	**T-MU/TC** [3]
.080 Public service				
(A) Collection stations	TRPA-S			S
(B) Cultural facilities	TRPA-P	S[5]	TRPA-S	P
(C) Day care centers/pre-schools	TRPA-P	S[5]		S
(D) Government offices and facilities				P
(E) Hospitals				S
(F) Local assembly and entertainment	TRPA-P	S[5]	TRPA-S	p
(G) Membership organizations				P
(H) Post office	TRPA-P			P
(I) Public health and safety facilities	TRPA-P	S	TRPA-S	P
(J) Public owned assembly and entertainment	TRPA-S	S		S
(K) Public utility centers		S		S

20.703.090 Use (Cont.)	T-T/HDT	T-R	T-RR	T-MU/TC
(L) Religious assembly	TRPA-S			~~S~~ P
(M) Schools – college	TRPA-S			S
(N) Schools - kindergarten through secondary				S
(O) Social service organizations				P
(P) Threshold related research facilities	TRPA-S	S[5]	TRPA-S	S

Proposed on the 1st day of September, 2022.

Proposed by Commissioner Rice.

Adopted this 1st day of September, 2022, by the following vote:

Vote-- Ayes: Commissioners Rice

Nowosad

Tarkanian

Gardner

Engels

Nays: Commissioners _____

_____

Absent: Commissioners _____

_____

Mark Gardner, Chairman
Douglas County Board of Commissioners

Attest:

Amy Burgans, Douglas County Clerk
This ordinance is effective on the 15th day of September, 2022.

Attachment C

TRPA Ordinance 2023-__

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2023-__

AN AMENDMENT TO ORDINANCE NO. 2013-05 TO ADOPT
SOUTH SHORE AREA PLAN AMENDMENTS

The Governing Board of the Tahoe Regional Planning Agency (TRPA) does ordain as follows:

Section 1.00 Findings

1.10 It is desirable to amend TRPA Ordinance 2013-05 by amending the South Shore Area Plan to further implement the Regional Plan pursuant to Article VI (a) and other applicable provisions of the Tahoe Regional Planning Compact.

1.20 The South Shore Area Plan 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 South Shore Area Plan 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 South Shore Area Plan 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 South Shore Area Plan 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 these amendments, the Governing Board made the findings required by TRPA Code of Ordinances Section 4.5, 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 2013-05, as previously amended, is hereby amended by amending the South Shore Area Plan 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 South Shore Area Plan shall become effective on adoption.

PASSED AND ADOPTED by the Tahoe Regional Planning Agency Governing Board at a regular meeting held on _____, 2023, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

_____
Cindy Gustafson, Chair
Tahoe Regional Planning Agency,
Governing Board

Attachment D

Required Findings/Rationale

REQUIRED FINDINGS FOR AN AMENDMENT TO DOUGLAS COUNTY'S SOUTH SHORE AREA PLAN

This document contains required findings per Chapters 3, 4, and 13 of the TRPA Code of Ordinances (Code) for the amendment to Douglas County's South Shore Area Plan (SSAP):

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

1. Finding: The proposed SSAP amendment 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 amendment. The IEC was prepared to evaluate the potential environmental impacts of the proposed amendment and tiers from specific analyses contained in the following environmental review documents:

   - TRPA, *Regional Plan Update EIS,* certified by the TRPA Governing Board on December 12, 2012 (RPU EIS)
   - TRPA, *South Shore Area Plan IEC/FONSE,* approved by the TRPA Governing Board on August 28, 2013 (SSAP IEC)
   - TRPA/Tahoe Metropolitan Planning Organization (TMPO), *2020 Linking Tahoe: Regional Transportation Plan/Sustainable Communities Strategy IS/MND and IEC/FONSE*, adopted by the TMPO Board and approved by the TRPA Governing Board in April 2021 (RTP IS/IEC)

   These program-level environmental documents include a regional and county-wide cumulative scale analysis and a framework of mitigation measures that provide a foundation for subsequent environmental review at an area plan level. Because the amendment is consistent with the Regional Plan and Regional Transportation Plan (RTP), which have approved program-level environmental documents, the proposed SSAP amendment is within the scope of these program-level documents.

   The proposed project evaluated in the IEC is the amendment of the SSAP as summarized herein.

   The IEC is tiered from the TRPA 2012 RPU EIS in accordance with Section 6.12 of the TRPA Rules of Procedure. The 2012 RPU EIS is a Program EIS that was prepared pursuant to Article VI of the TRPA Rules of Procedure (Environmental Impact Statements) and Chapter 3 (Environmental Documentation) of the TRPA Code. The 2012 RPU is a comprehensive land use plan that guides physical development within

the Lake Tahoe Region through 2035. The 2012 RPU EIS analyzes full implementation of uses and physical development proposed under the 2012 RPU, and it identifies measures to mitigate the significant adverse program-level and cumulative impacts associated with that growth. The SSAP is an element of the growth that was anticipated in the 2012 RPU and evaluated in the 2012 RPU EIS. By tiering from the 2012 RPU EIS, the IEC relies on the 2012 RPU EIS for the following:

- background and setting information for environmental topic areas,
- regional growth-related issues,
- issues that were evaluated in sufficient detail in the 2012 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 Douglas County or TRPA to implement the mitigation measures adopted as part of the RPU, as documented in the RPU EIS. Consequently, Douglas County would adhere to all applicable adopted mitigation measures required by the Regional Plan as a part of the proposed SSAP amendment.

Adoption of the proposed amendment would only amend the zoning requirements of the SSAP mixed-use zoning district in the TRPA-designated Kingsbury Commercial Town Center District concerning religious assembly uses. Within this area, religious assembly uses would be allowed by right, rather than requiring a discretionary special use permit approval by Douglas County. The amendment, as described in this packet, will become part of the Regional Plan and will replace the existing plan for this geographical area within Douglas County. The effects of this amendment were evaluated in detail in the IEC and found to be less than significant.

All aspects of the Regional Plan, SSAP, and TRPA Code not specifically affected by the proposed amendment 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. Each proposed project within the plan area would be reviewed through a TRPA IEC 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 SSAP:

1. Finding: The proposed SSAP amendment is 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 SSAP is defined in Chapter 2: Land Use Element of the Douglas County Master Plan, and consists of Design Standards and Guidelines, Tahoe Area Plan Regulations (ordinances), and related materials 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 SSAP boundaries are proposed.

The proposed amendment was 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 SSAP 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 amendment makes a focused change to the Tahoe Area Plan Regulations Chapter 20.703.090 to allow religious assembly uses by right, rather than requiring a discretionary special use permit approval by Douglas County.

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, the 178 indicators and additional factors, and interim and final targets. Effects of the proposed project (here the amendment to allow religious assembly uses by right in the Kingsbury

Commercial Town Center District [i.e., T-MU/TC zoning district]) 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 amendment; the RPU EIS, SSAP IEC, and RTP IS/IEC; the RPU and RTP findings made by the TRPA Governing Board; the TRPA Code Section 4.4.2 staff analyses; and using applicable measurement standards consistent with the available information, the proposed amendment 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 SSAP incorporates and/or implements relevant compliance measures, and with implementation of the measures with respect to development within the SSAP, the effects are not adverse, and with respect to some measures, are positive. (See Threshold Indicators and Compliance Measures Worksheets)

TRPA anticipates that implementation of the proposed amendment 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 SSAP amendment does 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 SSAP amendment. Religious assembly uses are general public service uses per Chapter 21 of the TRPA Code and, as such, do not affect the availability of these commodities (i.e., units of use).

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 amendment does not affect the amount of the remaining capacities available, identified and discussed in the RPU EIS. The SSAP does not allocate capacity or authorize any particular development.

TRPA therefore finds that the amendment is 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 SSAP 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 amendment, and the IEC did not find any thresholds that would be adversely affected or exceeded. As found above, the SSAP, as amended, is consistent with the Regional Plan.

TRPA reviewed the proposed amendment in conformance with the 222 compliance measures and supplemental compliance measures, the over 178 indicators and additional factors that measure threshold progress and threshold targets, and interim attainment dates. The amendment 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 SSAP through quarterly and annual reports. These reports will be used to evaluate the status and trend of the thresholds every 4 years.

The amendment does 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 this Regional Plan amendment. Religious assembly uses are general public service uses that do not require allocations or otherwise affect the availability of these commodities.

The amendment does 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 RPU EIS. No changes to the overall capacity are proposed in the proposed amendment. TRPA therefore finds that the amendment 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) SSAP IEC, (2) RPU EIS, (3) RTP IS/IEC, and (4) 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 amendment does not affect or change the federal, state, or local air and water quality standards that apply to the Region. Projects developed under the SSAP 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), 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 SSAP, thus ensuring environmental standards will be achieved or maintained pursuant to the Bi-State Compact.

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 Agenc*y, 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 Douglas County's SSAP fulfills the role anticipated by the RPU and RTP and the expected threshold gain resulting from its implementation.

II. SSAP Amendment and Threshold Gain

The proposed SSAP amendment would maintain programs in the existing SSAP that could accelerate threshold gain including water quality restoration, scenic quality improvement, and other ecological benefits. To the extent that the amendment leads to environmental redevelopment in an aging town center, 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 amendment will have a potential 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.

Potential environmental redevelopment within the amended SSAP 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 SSAP was adopted to implement and achieve the environmental improvement and redevelopment goals of the Regional Plan. A primary function of the SSAP is to consolidate applicable local and regional plans to facilitate implementation of the Regional Plan. Because implementation of the SSAP 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 amendment does not propose substantial

changes to land use assumptions and would not change the conformity determination by state regulators.

The Kingsbury Commercial Town Center District (i.e., T-MU/TC zoning district) is well served by existing transit, with five transit stops within the town center boundaries, and is accessible from two existing shared-use paths. This indicates that redevelopment is in the appropriate location to potentially generate the shorter trip lengths and reduce vehicle-miles traveled needed to meet the air quality goals of the Regional Plan.

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.

Today, most if not all developed commercial and tourist properties exceed the up to 70 percent maximum land coverage allowed in the SSAP. Several commercial properties within the Kingsbury Commercial Town Center District exceed 90% coverage. This indicates that future redevelopment would be required to implement excess land coverage mitigation from the RPU. 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 severely overcovered. Any projects implemented within the amended SSAP would include excess land coverage mitigation if approved. Therefore, the amendment 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% 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 SSAP include those along US 50 (a federal highway), SR 207 (a state highway), and Lake Tahoe. The proposed amendment would not alter requirements related to scenic resource protection. Religious assembly uses would no longer require a discretionary special use permit, but construction or substantial exterior modification of structures would still be subject to scenic review standards that are applied on a project-specific basis (TRPA Code Section 66.1). Any subsequent projects carried out under the amended SSAP

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 existing SSAP 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 existing SSAP 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 existing SSAP Design Standards and Guidelines 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 proposed amendment area (i.e., the Kingsbury Commercial Town Center District) is largely built out, with limited native vegetation near Kahle Park and south of Market Street. The proposed amendment would not alter or revise the regulations pertaining to native vegetation protection during construction. Consistent with existing conditions, individual projects implemented under the SSAP 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 amendment 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.

Douglas County contains numerous recreational opportunities within its boundaries. The SSAP includes recreation sites that include Edgewood Tahoe Golf Course, Kahle Park and Community Center, a portion of the Nevada Stateline-to-Stateline Bikeway, and shared-use path access to nearby Nevada Beach, Round Hill Pines Resort, and other hiking and mountain bicycle trails.

The proposed amendment does 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. The proposed amendment would allow religious assembly uses to occur without a discretionary special use permit. While recreation activities could be accessory to a primary religious assembly use, these recreation activities would not affect 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 SSAP 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 SSAP amendment 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 projection of fish habitat and provide for the enhancement of degraded habitat. Development within the SSAP

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 SSAP 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 amendment 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 influential 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 SSAP amendment would not alter noise policies and the adopted TRPA CNEL threshold standards, and Regional Plan noise policies would continue to be applied.

The SSAP amendment could result in the establishment of religious assembly uses without a discretionary special use permit approval process. Removal of the special use permit process would remove one review process that would consider the potential for religious assembly uses to create increases in noise. However, by their nature, religious assembly uses are not more prone to excessive noise than other similar uses that are already allowed by right in the Kingsbury Commercial Town Center District (i.e., T-MU/TC zoning district) (e.g., social service organizations, membership organizations, local assembly and entertainment, and cultural facilities). Further, all future projects within the plan area would be evaluated at a project level and Douglas 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 Douglas County would only approve projects that can demonstrate compliance with TRPA’s

threshold standards (i.e., CNEL standards). The existing SSAP CNEL standards are consistent with the TRPA's threshold standards; and thus, future projects under the amendment would only be approved by TRPA or Douglas County if they can demonstrate compliance with these CNEL standards.

III. Conclusion

Based on the foregoing: the completion of the IEC, the previously certified RPU EIS, adopted and approved RTP IS/MND and IEC/FONSE, and the findings made on December 12, 2012 for the RPU, TRPA finds the Regional Plan and all of its elements, as amended by the project achieves and maintains the thresholds. As described above in more detail, the SSAP as amended actively promotes threshold achievement and maintenance by, *inter alia*, (1) potentially incentivizing environmentally beneficial redevelopment, (2) requiring the installation of BMP improvements for all projects in the SSAP, (3) requiring conformance with the Development and Design Standards that will result in improvements to scenic quality and water quality, (4) facilitating redevelopment in proximity to alternative modes of transportation to reduce vehicle miles traveled (VMT); and (5) incorporating projects identified in the County's Pollutant Load Reduction Plan (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 amendment interferes with the efficacy of any of the other elements of the Regional Plan. Thus, the Regional Plan, as amended by the project, will continue to achieve and maintain the thresholds.

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

1. Finding: The proposed SSAP 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 SSAP amendment was found to be consistent with the goals and policies of the Regional Plan, 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.

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FINDING OF NO SIGNIFICANT EFFECT

Project Description: Proposed amendment to Douglas County's South Shore 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

Attachment E

Initial Environmental Checklist

INITIAL ENVIRONMENTAL CHECKLIST

South Shore Area Plan Amendment

DECEMBER 2022

PREPARED FOR:

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Community Development Department
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Tahoe Regional Planning Agency
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AGENDA ITEM NO. V.C

Initial Environmental Checklist

for the

South Shore Area Plan Amendment

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December 2022

TABLE OF CONTENTS

Chapter/Section			Page
LIST OF ABBREVIATIONS			III
1	INTRODUCTION		1-1
	1.1	Introduction and Regulatory Guidance	1-1
	1.2	Purpose of this Document	1-1
	1.3	Document Organization	1-2
2	PROJECT DESCRIPTION		2-1
	2.1	Background	2-1
	2.2	Area Plan Location	2-1
	2.3	Objective	2-1
	2.4	Area Plan Overview	2-3
	2.5	Growth Potential	2-3
	2.6	Area Plan Amendment Implementation	2-3
3	INITIAL ENVIRONMENTAL CHECKLIST		3-1
	3.1	Environmental Effects	3-1
	3.2	Land	3-1
	3.3	Air Quality	3-5
	3.4	Water Quality	3-9
	3.5	Vegetation	3-13
	3.6	Wildlife	3-16
	3.7	Noise	3-18
	3.8	Light and Glare	3-22
	3.9	Land Use	3-24
	3.10	Natural Resources	3-25
	3.11	Risk of Upset	3-26
	3.12	Population	3-28
	3.13	Housing	3-29
	3.14	Transportation/Circulation	3-30
	3.15	Public Services	3-34
	3.16	Energy	3-36
	3.17	Utilities	3-37
	3.18	Human Health	3-39
	3.19	Scenic Resources/Community Design	3-41
	3.20	Recreation	3-43
	3.21	Archaeological/Historical	3-45
	3.22	Findings of Significance	3-47
4	REFERENCES		4-1
5	REPORT PREPARERS		5-1

Figures

Figure 2-1 Proposed Use Change in the Kingsbury Commercial Town Center District 2-2

Tables

Table 3-1 Trip Generation for Existing and Proposed Uses.....3-31

LIST OF ABBREVIATIONS

APC	Advisory Planning Commission
Area Plan	South Shore Area Plan
afy	acre feet per year
BMP	best management practice
CFA	commercial floor area
CNEL	Community Noise Equivalent Level
CO	carbon monoxide
CP	Community Plans
dbh	diameter at breast height
EA	environmental assessment
EIP	Environmental Improvement Program
EIS	environmental impact statement
GHG	greenhouse gas
IEC	Initial Environmental Checklist
IPES	Individual Parcel Evaluation System
KGID	Kingsbury General Improvement District
LCD	land capability districts
L_{max}	Maximum Sound Level
LOS	level of service
MOU	Memorandum of Understanding
MT CO_2e	metric tons of carbon dioxide equivalent
NDEP	Nevada Division of Environmental Protection
NDOT	Nevada Department of Transportation
NEPA	National Environmental Policy Act
NRS	Nevada Revised Statutes
PAOT	persons-at-one-time
PAS	Plan Area Statements
PM	particulate matter
PM_{10}	respirable particulate matter with aerodynamic diameter of 10 micrometers or less
$PM_{2.5}$	fine particulate matter with aerodynamic diameter of 2.5 micrometers or less
RBU	Residential Bonus Units
Region	Tahoe Region
Regional HMP	Douglas County Regional Hazard Mitigation Plan
Regional Plan	Lake Tahoe Regional Plan
RPU	Regional Plan Update
RTP	Regional Transportation Plan
RUU	residential unit of use
SEZ	Stream Environment Zone
SQIP	Scenic Quality Improvement Program
SR	State Route

SWPPP	storm water pollution prevention plan
TAC	toxic air contaminant
TAU	tourist accommodation units
TMPO	Tahoe Metropolitan Planning Organization
T-MU	Tahoe Mixed Use
TRPA	Tahoe Regional Planning Agency
TRPA Code	TRPA Code of Ordinances
VMT	vehicle miles of travel

1 INTRODUCTION

1.1 INTRODUCTION AND REGULATORY GUIDANCE

This Initial Environmental Checklist (IEC) has been prepared pursuant to the requirements of Article VI of the Tahoe Regional Planning Agency (TRPA) Rules of Procedure and Chapter 3 of the TRPA Code of Ordinances (TRPA Code) to evaluate potential environmental effects resulting from implementation of the South Shore Area Plan Amendment (Area Plan Amendment) to permit religious assemblies in the Tahoe Mixed-Use zoning district. TRPA is the lead agency pursuant to the Tahoe Regional Planning Compact (Public Law 96-551), 1980 revision, TPRA Code, and TRPA Rules of Procedure. Chapter 2, "Project Description," presents project details.

TRPA has responsibility for implementation of the Lake Tahoe Regional Plan (Regional Plan), approval of area plans, area plan amendments, and annual/quadrennial reviews of area plans to ensure that development within the geographic boundaries of an area plan meets adopted TRPA standards. Chapter 13 of the TRPA Code allows local governments to adopt a conforming area plan containing policies and development ordinances that are consistent with and that further the goals and policies of the Regional Plan. Chapter 13 also establishes the content for area plans and defines development activities that will not have a substantial effect on the physical environment of the Tahoe Region (Region), and therefore allows TRPA to delegate limited permitting authority to local governments. The Area Plan Amendment evaluated herein was prepared by Douglas County pursuant to Chapter 13 of the TRPA Code.

1.2 PURPOSE OF THIS DOCUMENT

This IEC evaluates the potential environmental effects associated with adoption and implementation of the proposed Area Plan Amendment. Though more focused and site-specific than the Regional Plan, the Area Plan Amendment applies to a broad geography and is intended to guide planning decisions over a planning timeframe of 20 or more years. The policy-oriented nature of the Area Plan Amendment is such that this impact analysis is prepared at a programmatic level—that is, a more general analysis with a level of detail and degree of specificity commensurate with that of the plan itself. Future projects that would be implemented consistent with the Area Plan Amendment, for which project details are developed to a sufficient degree that environmental effects can be identified and assessed with greater certainty, would be evaluated by TRPA at a project-level.

Chapter 3 of this document contains the IEC analysis and discussion of potential environmental impacts of the Area Plan Amendment. Based on the issues evaluated in that chapter, it was determined that the project would have either no impact or a less-than-significant impact related to all resource areas identified. Therefore, an IEC is the appropriate document for compliance with the requirements of TRPA.

1.2.1 Tiering Process

The concept of tiering includes the environmental review of large-scale projects in a program Environmental Impact Statement (EIS) and carrying out subsequent environmental review for smaller projects by referencing and summarizing applicable program-level impacts that were identified in a program EIS. When tiering, the analysis of the subsequent project need only focus on the issues specific to the project at hand that were not already adequately addressed in the program EIS. TRPA thus limits the analysis for a later project that is consistent with a certified program EIS. Subsequent review is required only for effects which were not examined as significant in the EIS, or for effects which are susceptible to substantial reduction or avoidance by revisions in the project through conditions of approval or mitigation.

This IEC is tiered from the TRPA 2012 Regional Plan Update (RPU) EIS in accordance with Section 6.12 of the TRPA Rules of Procedure. The 2012 RPU EIS is a program EIS that was prepared pursuant to Article VI of TRPA Rules of Procedure (Environmental Impact Statements) and Chapter 3, "Environmental Documentation," of the TRPA Code.

The Regional Plan is a comprehensive land use plan that guides physical development within the Region through 2035. The 2012 RPU EIS analyzed full implementation of uses and physical development proposed in the Regional Plan and identified measures to mitigate the significant adverse program-level and cumulative impacts associated with that growth. The proposed Area Plan Amendment and the development it would accommodate is an element of the growth that was anticipated in the 2012 RPU and evaluated in the 2012 RPU EIS.

In tiering from the 2012 RPU EIS, this IEC relies on the 2012 RPU EIS for the following:

- Background and setting information for environmental topic areas,
- Regional growth-related issues,
- Issues that were evaluated in sufficient detail in the 2012 RPU EIS for which there is no significant new information or change in circumstances that would require further analysis, and.
- Assessment of cumulative impacts.

TRPA's determination, based on the analysis contained in this IEC, finds that the proposed Area Plan Amendment would not have significant effects on the environment. Therefore, a Finding of No Significant Effect will be prepared by TRPA. Nothing in this IEC alters the obligations of Douglas County or TRPA to continue to implement the mitigation measures adopted in the RPU EIS. Consequently, Douglas County would adhere to all applicable adopted mitigation measures required by the Regional Plan as a part of the proposed Area Plan Amendment.

1.3 DOCUMENT ORGANIZATION

This IEC is organized as follows:

- Chapter 1: Introduction. This chapter introduces the environmental review process. It describes the purpose and organization of this document.
- Chapter 2: Project Description. This chapter describes the objectives of, and a detailed description of, the proposed Area Plan Amendment.
- Chapter 3: Initial Environmental Checklist. This chapter presents an analysis of a range of environmental issues identified in the TRPA Initial Environmental Checklist. It determines if the proposed Area Plan Amendment would result in no impact, a less-than-significant impact, a less-than-significant impact with mitigation incorporated, or a potentially significant impact. If any impacts were determined to be potentially significant, an EIS would be required. For this proposed Area Plan Amendment, however, none of the impacts were determined to be significant.
- Chapter 4: References. This chapter lists the references used in preparation of this IEC.
- Chapter 5: List of Preparers. This chapter identifies report preparers.

2 PROJECT DESCRIPTION

2.1 BACKGROUND

Douglas County and the Tahoe Regional Planning Agency (TRPA) adopted the South Shore Area Plan (Area Plan) in 2013, which addresses a portion of Douglas County located within the Tahoe Region. The Area Plan replaced the plan area statements (PASs), community plans (CPs), and portions of the Douglas County Master Plan that previously provided planning and land use guidance within the southwestern portion of Douglas County. These plans were over 20 years old and had experienced only minor changes since their adoption.

Nevada Revised Statutes (NRS) 278.025 requires that the Douglas County Master Plan must not conflict with the TRPA Regional Plan (Regional Plan) or Code of Ordinances (TRPA Code), and that local planning efforts should be exercised as appropriate in furtherance of the Regional Plan. As such, the Area Plan was adopted to implement and achieve the environmental improvement and redevelopment goals of the Regional Plan. The Area Plan also serves as a component of the Douglas County Master Plan consistent with Nevada Revised Statutes, Sections 278.150 to 278.230, inclusive, and other related sections.

To date, the Area Plan has required that religious assembly uses can only be permitted within the Tahoe Mixed Use (T-MU) zoning district with a special use permit. However, other very similar uses are allowed by right, including social service organizations, membership organizations, local assembly and entertainment, and cultural facilities. These other uses allowed by right have similar effects on community character and similar demand for services and infrastructure.

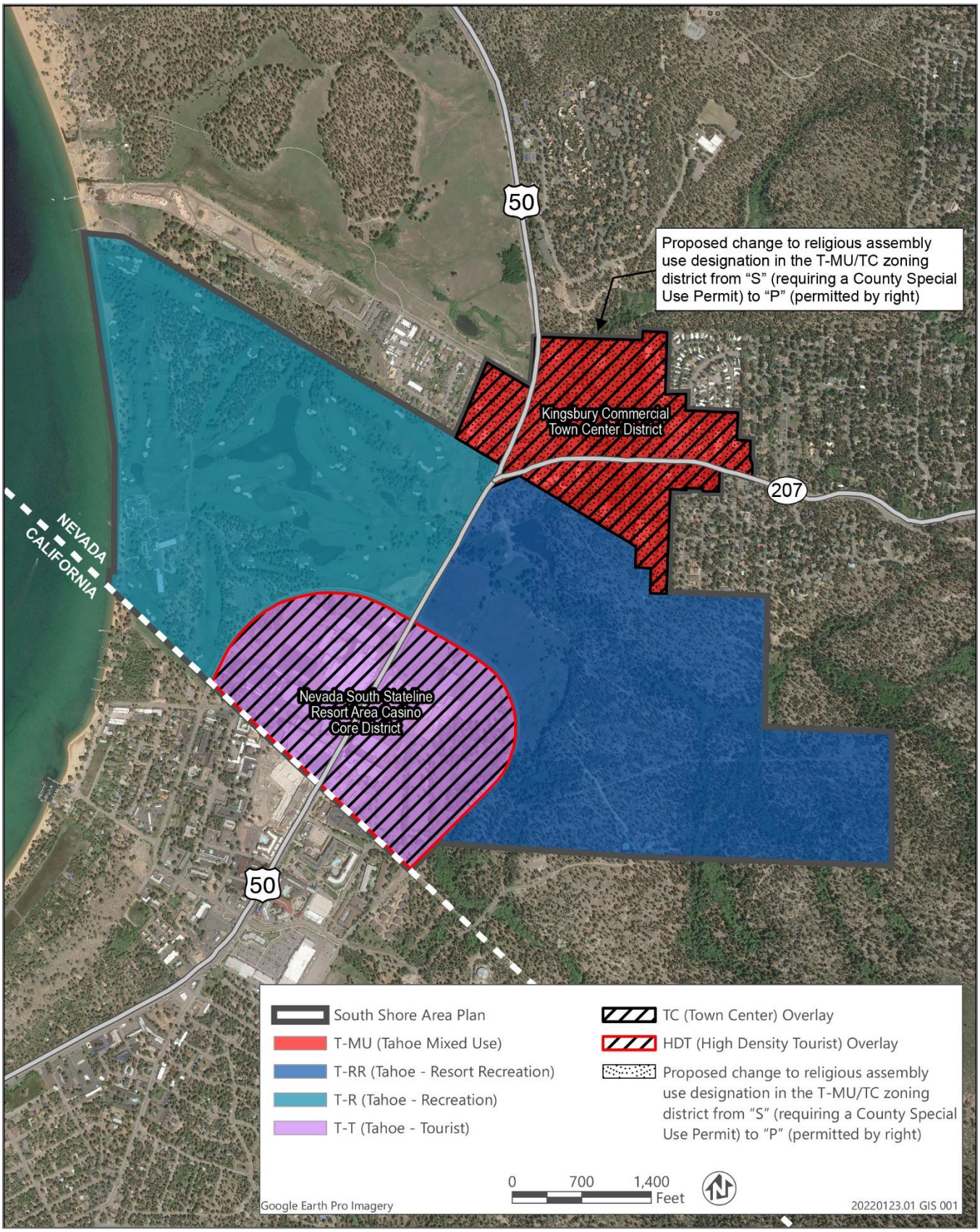
To eliminate the disparity, Douglas County is proposing an amendment to the Area Plan that would allow religious assembly uses by right within the T-MU zoning district. The Area Plan Amendment would implement the Douglas County Zoning Text Amendment (ref. DP 22-0145) and Ordinance 2022-1603 approved by the Douglas County Board of Commissioners on September 1, 2022. The Zoning Text Amendment amended Section 20.703.090, subsection .080, of the Douglas County Code relative to the Tahoe Area Plan Regulations to make it clear that religious assembly uses are authorized in the T-MU zoning district as a matter of right and thereby eliminating the need for a special use permit.

2.2 AREA PLAN LOCATION

The Area Plan covers properties generally along US 50 from the California-Nevada Stateline to the lower Kingsbury area. It includes the High-Density Tourist District containing the casino core, the Edgewood Lodge and Golf Course, the Edgewood Mountain area, and the Kingsbury Commercial Town Center. These areas are zoned as Tourist, Recreation, Resort Recreation, and Mixed Use, respectively (Figure 2-1).

2.3 OBJECTIVE

A primary function of the Area Plan is to consolidate applicable local and regional plans to facilitate implementation of the Regional Plan. As such, the plan is meant to create consistent and integrated land use planning and development regulations for Douglas County and TRPA. It is therefore important for the plan to equitably apply the requirements for similar land uses. The primary objective of the Area Plan Amendment is to provide equitable treatment of religious assembly uses consistent with requirements for similar uses within the Mixed Use (T-MU) zoning district in the Area Plan.



Source: Adapted by Ascent in 2022

Figure 2-1 Proposed Use Change in the Kingsbury Commercial Town Center District

2.4 AREA PLAN AMENDMENT OVERVIEW

The Area Plan establishes the goals, policies, and implementation strategies for land use and development within the boundary of the plan area. It implements land use regulations and standards authorized in the Regional Plan, replaces previous PASs and CPs, and carries forward the details of these former documents into a single consolidated plan. Proposed changes are focused within the Mixed-Use zoning district in the TRPA-designated Kingsbury Commercial Town Center (see Figure 2-1). The complete Area Plan, associated Development Code, and other implementation plans are available for download and review at:

> https://www.douglascountynv.gov/government/departments/community_development/planning_division/master_plan/douglas_county_trpa_area_plan.

Adoption of the Area Plan Amendment would only amend the zoning requirements of the Area Plan Mixed-Use zoning district in the TRPA-designated Kingsbury Commercial Town Center concerning religious assembly uses. Within this area, religious assembly uses would be allowable by right, rather than requiring a discretionary special use permit approval by Douglas County. All aspects of the Regional Plan, Area Plan, and TRPA Code not specifically affected by the Area Plan Amendment 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. Each proposed project within the plan area would be reviewed through a TRPA Initial Environmental Checklist and, if necessary, project revisions or mitigation measures necessary to avoid significant environmental impacts would continue to be required as a condition of approval.

2.5 GROWTH POTENTIAL

Pursuant to the TRPA growth management system (TRPA Code Chapters 50 – 53), development rights in the form of residential allocations or residential bonus units (RBUs), residential units of use (RUUs), commercial floor area (CFA) and tourist accommodation units (TAUs) are required for any new residential, commercial, or tourist accommodation development. Thus, the availability of development rights in addition to allowable density and height and restrictions on land coverage limit the development potential within the plan area. The Area Plan Amendment would not alter the existing growth control system. All new development would continue to be required to obtain the applicable RBUs, RUUs, CFA, or TAUs. Thus, this Area Plan Amendment would not alter the growth potential within the Plan Area or Tahoe Region.

2.6 AREA PLAN AMENDMENT IMPLEMENTATION

The Area Plan Amendment would be implemented through the amendments to the Douglas County Code described in Section 2.1. Other implementation programs would not be affected, including Douglas County's Capital Improvement Plan, the Environmental Improvement Program, and the capital improvement and public investment plans of other agencies in the Region with which Douglas County cooperates. These implementation programs would continue to identify and develop projects necessary to achieve the goals and policies identified in the Area Plan.

Upon adoption of the Area Plan Amendment and a finding of conformance with the Regional Plan, TRPA and Douglas County would implement the amended Area Plan.

3 INITIAL ENVIRONMENTAL CHECKLIST

3.1 ENVIRONMENTAL EFFECTS

This chapter evaluates the effects of adopting and implementing the proposed Area Plan Amendment on each topic identified in the TRPA Initial Environmental Checklist (IEC). The discussion provides a determination as to the significance of the impact, consistent with the significance determination approach used in the RPU EIS. This IEC uses the following terminology to describe the significance of each environmental impact:

- Beneficial: An impact that would result in improved environmental conditions.
- Less-than-Significant: An impact that would not result in a substantial and adverse change in the physical environment. This impact level does not require mitigation.
- Significant Impact: An impact that would result in a substantial adverse change in any of the physical conditions within the Region. Potentially feasible mitigation measures or alternatives to the component(s) of the Plan resulting in the impact must be considered in an attempt to substantially reduce significant impacts.
- Potentially Significant Impact: An impact that would be considered a significant impact as described above if it were to occur; however, the occurrence of the impact cannot be immediately determined or there is some uncertainty about its occurrence.

As described in Section 1.2.1, this IEC is tiered from the TRPA 2012 Regional Plan Update (RPU EIS or 2012 RPU EIS) in accordance with Section 6.12 of the TRPA Rules of Procedure. Because of the broad geography and long timeframe to which the proposed Area Plan Amendment applies, the environmental analysis is prepared at a program level: that is, it contains a general analysis of each resource area with a level of detail and degree of specificity commensurate with that of the proposed Area Plan Amendment itself. The analysis in this IEC is not intended to take the place of future project-level environmental analysis. For future projects that are not otherwise exempt or qualified exempt, TRPA or Douglas County would review those site-specific projects to determine the appropriate level of environmental review: initial environmental checklist (IEC), environmental assessment (EA), and/or environmental impact statement (EIS), as appropriate, consistent with TRPA Code Chapter 3. For future projects that have the potential to result in significant effects on the environment, TRPA or Douglas County would develop feasible mitigation measures that must be implemented to minimize any such effects.

3.2 LAND

ENVIRONMENTAL ISSUES	Yes	No, With Mitigation	No	Data Insufficient
I. Land.				
Will the proposal result in:				
a) Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?	☐	☐	☒	☐
b) A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?	☐	☐	☒	☐
c) Unstable soil conditions during or after completion of the proposal?	☐	☐	☒	☐
d) Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?	☐	☐	☒	☐
e) The continuation of or increase in wind or water erosion of soils, either on or off the site?	☐	☐	☒	☐
f) Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?	☐	☐	☒	☐
g) Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?	☐	☐	☒	☐

3.2.1 Discussion

a) Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?

No Impact. The Area Plan Amendment would not alter or revise existing regulations pertaining to land capability and the Individual Parcel Evaluation System (IPES) (see Chapter 30 of the TRPA Code).

Within Town Centers, the Area Plan Amendment would continue to implement the land coverage limitations authorized by the Regional Plan in TRPA Code Section 30.4.2.B.1. The existing coverage limits in these areas allow for up to 70 percent coverage of the high capability land farther than 300 feet from the high-water line of Lake Tahoe and 50 percent of the high capability land within 300 feet of Lake Tahoe. Consistent with TRPA Code Section 30.4.3, any land coverage in excess of the base allowable land coverage would require the retirement of land coverage elsewhere and the transfer of that coverage to achieve the allowable coverage limits. Land coverage would be transferred at ratios ranging from 1:1 to 2:1 depending on the sensitivity of the land from which the coverage is retired and the resulting amount of coverage on the receiving parcel (see TRPA Code Section 30.4.3.A). Thus, attaining the maximum allowable coverage on a parcel would result in a net reduction in coverage in sensitive land and/or total land coverage.

As described above, the coverage limits and policies in the Area Plan Amendment would not change. Any religious assembly use in the Kingsbury Commercial Town Center would continue to be evaluated at a project-level to ensure land coverage is consistent with applicable limitations. As with existing conditions, uses that attain the maximum allowable coverage within a Town Center would result in a net reduction of land coverage and a reduction of land coverage in sensitive land. This would support attainment of TRPA Threshold Standards related to land coverage consistent with the limits allowed by the land capability and IPES systems. Because there would be no change to coverage requirements, there would be no impact.

b) A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?

No Impact. Future projects implemented under the proposed Area Plan Amendment could include grading, excavations, cut and fill, and trenching, all of which would alter existing topography and ground surface. However, the amendment would not alter grading regulations within the plan area. All projects would continue to be evaluated on a project-specific basis consistent with TRPA environmental review requirements (TRPA Code Chapter 3) and would be required to adhere to numerous regional and local requirements and regulations relating to grading, soil stability, and erosion. These include adherence to Chapter 33 of the TRPA Code, which identifies various standards and regulations related to grading to protect against significant adverse effects from development. These effects were previously analyzed in the 2012 RPU EIS under Impact 3.7-2 on pages 3.7-47 and 3.7-48. This analysis found that because future projects would adhere to existing regulations, including Chapter 33 of the TRPA Code, the effect would be less than significant. Implementation of the proposed Area Plan Amendment would not include any provisions or changes that would alter such requirements or regulations for individual future projects. Therefore, impacts to topography or ground surface relief features within the plan area would be the same as previously analyzed in the 2012 RPU EIS, and there would be no impact.

c) Unstable soil conditions during or after completion of the proposal?

No Impact. Future projects under the Area Plan Amendment could include grading, excavations, cut and fill, and trenching, all of which would involve disturbance of surface soils. However, all projects would continue to be evaluated on a project-specific basis and would continue to be required to adhere to numerous regional and local requirements and regulations relating to grading, soil stability, and erosion. These include adherence to Chapter 33 of the TRPA Code, which identifies various standards and regulations related to grading to protect against significant adverse effects from development. These effects were previously analyzed in the 2012 RPU EIS under Impact 3.7-2 on pages 3.7-47 and 3.7-48. This analysis found that because future projects would adhere to existing regulations, including Chapter 33 of the TRPA Code, the effect would be less than significant. Implementation of the Area Plan Amendment would not include any provisions or changes that would alter such requirements or regulations for individual projects, and therefore impacts related to soil stability within the plan area remain the same as those evaluated under the 2012 RPU EIS and there would be no impact.

d) Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?

No Impact. Future projects implemented under the proposed Area Plan Amendment could involve excavating to a depth deeper than 5 feet below ground surface. However, all projects would continue to be evaluated on a project-specific basis and would be required to adhere to numerous regional and local requirements and regulations relating to grading. These include adherence to Chapter 33 of the TRPA Code, which identifies various standards and regulations related to grading to protect against significant adverse effects from development. Chapter 33 also specifically prohibits excavations greater than 5 feet below ground surface (or shallower in areas of known high groundwater) because of the potential for groundwater interception or interference, except under certain defined and permitted conditions described in TRPA Code Section 33.3.6.B. These effects were previously analyzed in the 2012 RPU EIS under Impact 3.7-2 on pages 3.7-47 and 3.7-48. This analysis found that because future projects would adhere to existing regulations, including Chapter 33 of the TRPA Code, the effect would be less than significant. Implementation of the proposed Area Plan Amendment would not include any provisions or changes that would alter

these requirements or regulations for individual projects. Therefore, impacts related to soil and geologic conditions at depths deeper than 5 feet below ground surface within the plan area remain the same as those evaluated under the 2012 RPU and there would be no impact.

e) The continuation of or increase in wind or water erosion of soils, either on or off the site?

No Impact. As stated above under 3.1.2(b), future projects implemented under the proposed Area Plan Amendment could involve grading, excavations, cut and fill, and trenching, all of which would involve disturbance of surface soils. However, all projects would continue to be evaluated on a project-specific basis and would be required to adhere to numerous regional and local requirements and regulations relating to grading, soil stability, and erosion. These include adherence to Chapter 33 of the TRPA Code, which identifies various standards and regulations related to grading to protect against significant adverse effects from development. Implementation of the Area Plan Amendment would not include any provisions or changes that would alter such requirements or regulations for individual projects. For the same reasons described above, there would be no impact.

f) Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?

No Impact. The proposed Area Plan Amendment does not alter existing regulations related to modifications of a river, stream, or the bed of Lake Tahoe. The existing Area Plan identifies potential projects that benefit watersheds, water quality, and habitat. These projects could modify the channel of a waterway and/or affect other hydrologic processes in Edgewood Creek, Burke Creek, Eagle Rock Creek, and Golf Course Creek. However, the Area Plan Amendment does not approve any of these projects and each project would be subject to a project-level planning, design, environmental review, and permitting process. This process would include compliance with the resource management and protection provisions of TRPA Code Chapters 60 through 68; environmental review of the project consistent with Chapter 3 of the TRPA Code and the National Environmental Protection Act (NEPA), if applicable; and adherence to permit requirements including TRPA standard permit conditions and requirements of Sections 401 and 404 of the Clean Water Act. The Area Plan Amendment would not alter any of the procedural or substantive project planning, design, environmental review, or permitting process. Nor would the Area Plan Amendment approve these projects or require them to be implemented. Therefore, there would be no impact.

g) Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?

No Impact. This impact was previously analyzed in the 2012 RPU EIS. The analysis identified that development could expose people and property to hazards resulting from seismic activity (landslides, backshore erosion, avalanches, mud slides, ground failure, liquefaction, lateral spreading, or collapse), and non-seismic geologic hazards (lateral spreading, subsidence, or collapse). However, projects under the Regional Plan are subject to site-specific environmental review, and, if appropriate, geotechnical analysis (TRPA Code Section 33.4). Through this review, projects may be required to employ design standards that consider seismically active areas and determine the design, grading, and construction practices required to avoid or reduce geologic hazards. Moreover, all projects must comply with current building codes and geotechnical standards for local jurisdictions. Douglas County has also adopted additional requirements under the Area Plan that standardize and codify the review of projects that may be in areas of high geologic hazard. This formalizes the existing process by which Douglas County reviews project applications, which are discussed in more detail under question a in Section 3.18.1 of this checklist. Furthermore, the Area Plan Amendment would change the permitting requirement for a religious assembly use, but it would not allow these uses in locations where they are not already allowable uses. For these reasons, there would be no impact.

3.3 AIR QUALITY

ENVIRONMENTAL ISSUES	Yes	No, With Mitigation	No	Data Insufficient
II. Air Quality.				
Will the Proposal result in:				
a) Substantial air pollutant emissions?	☐	☐	☒	☐
b) Deterioration of ambient (existing) air quality?	☐	☐	☒	☐
c) The creation of objectionable odors?	☐	☐	☒	☐
d) Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	☐	☐	☒	☐
e) Increased use of diesel fuel?	☐	☐	☒	☐

3.3.1 Discussion

a) Substantial air pollutant emissions?

No Impact. Impacts related to air pollution emissions within the plan area are the same as those analyzed in the 2012 RPU EIS, and therefore the analysis is tiered from and consistent with the 2012 RPU EIS. The proposed Area Plan Amendment would not modify laws or regulations pertaining to air quality. Projects that could be implemented under the Area Plan Amendment would continue to be subject to subsequent environmental review and permitting and would be required to comply with Chapter 65 of the TRPA Code. Chapter 65 includes provisions that apply to direct sources of air pollution in the Tahoe Region, including certain motor vehicles registered in the region, combustion heaters installed in the region, open burning, stationary sources of air pollution, and idling combustion engines.

The Lake Tahoe Air Basin is in attainment for all national ambient air quality standards. Implementation of the Area Plan Amendment would involve development of projects that have the potential to produce air pollutant emissions that could contribute to nonattainment during project construction and operation, as discussed below.

Construction Emissions

Development or redevelopment projects that could occur with implementation of the proposed Area Plan Amendment would produce construction-related air emissions. The 2012 RPU EIS considered construction-related emissions that could occur from implementation of individual projects and crafted mitigation measures in response. TRPA has formalized this mitigation in the TRPA Code and in the Standard Conditions of Approval for Grading Projects, and Standard Conditions of Approval for Residential Projects. In Section 65.1.8.A. (Air Quality/Transportation, Idling Restrictions) of the TRPA Code, a new subsection was added to restrict idling times for heavy duty construction equipment to no more than 15 minutes within the plan area (previous restriction was 30 minutes). In addition to reduced idling times, the TRPA Standard Conditions of Approval for Grading Projects (TRPA Permit Attachment Q) and Standard Conditions of Approval for Residential Projects (TRPA Permit Attachment R) include requirements for the use of existing power sources (e.g., power grid) or clean-fuel generators rather than temporary diesel power generators wherever feasible, locating of construction staging areas as far as feasible from sensitive air pollution receptors (e.g., schools or hospitals), and closure of engine doors during operation except for engine maintenance. Projects implemented under the Area Plan Amendment would continue to be subject to all air quality standards in the TRPA Code, including these measures that were adopted to mitigate construction emissions associated with build-out of the Regional Plan. Because measures identified the 2012 RPU EIS to reduce construction-generated emissions have been incorporated into the Area Plan and would not be altered by the amendment, subsequent projects would not generate substantial air pollutant emissions such that they could violate or contribute substantially

to an existing, or projected air quality violation, and/or expose sensitive receptors to substantial pollutant concentrations.

Operational Emissions

The long-term operation of development or redevelopment that could occur with implementation of the proposed Area Plan Amendment would produce operational air emissions. Operational emissions could result from mobile, area, and natural gas sources. Mobile-source emissions are associated with motor vehicle use and are affected by the amount of vehicle miles of travel (VMT) within a given area. Area-source emissions would include emissions from consumer products, landscaping and maintenance, wood-burning appliances, and snow removal equipment. Natural gas-related emissions would be associated with space and water heating. The proposed Area Plan Amendment would continue to result in operational emissions that are consistent with or less than the operational emissions evaluated in the 2012 RPU EIS because the amendment would modify the permitting process for religious assembly uses, but would not allow these uses where they are currently not allowed, would not affect overall growth potential within the plan area, and would not modify regulations or development standards related to emissions.

The 2012 RPU EIS evaluated operational emissions of build-out of the Region, which included complete build-out of the plan area, under Impact 3.4-3 on pages 3.4-29 through 3.4-26. The analysis found that emissions of ozone precursors and carbon monoxide (CO) in the Tahoe Region would be expected to decrease substantially by 2035 compared to existing conditions. Any additional population growth and associated increase in operational ozone precursor emissions would be more than offset by more stringent vehicle emissions standards. The analysis also found that with implementation of TRPA Code provisions, including restrictions on wood stoves that do not meet the US Environmental Protection Agency (EPA) criteria and air quality mitigation programs, emissions of particulate matter (i.e., PM, PM_{10}, and $PM_{2.5}$) would be expected to continue the trend of decreasing PM emissions in the Tahoe Region over the planning period.

For the reasons described above, the Area Plan Amendment would not alter construction or operation emissions associated with future projects and would not result in substantial air pollutant emissions during project construction and operation. Because there would be no change in emissions relative to existing conditions, there would be no impact.

b) Deterioration of ambient (existing) air quality?

No Impact. See analyses for question a, above, which concludes that the proposed Area Plan Amendment would not result in substantial air pollution emissions or alter regulations affecting emissions. Because the proposed Area Plan Amendment would not change air pollution emissions relative to existing conditions, it would have no impact on ambient air quality.

c) The creation of objectionable odors?

No Impact. The occurrence and severity of odor impacts depend on numerous factors, including the nature, frequency, and intensity of the source; wind speed and direction; and the presence of sensitive receptors. Although offensive odors rarely cause physical harm, they can be unpleasant, leading to considerable distress and often generating citizen complaints to local governments and regulatory agencies. The proposed Area Plan Amendment would not result in major sources of odor as the amendment does not include or contemplate construction of any of the common types of facilities that are known to produce odors (e.g., landfills, transfer stations, wastewater treatment facilities). In addition, no known substantial sources of objectionable odors are located in the plan area. Diesel exhaust from the use of on-site construction equipment would be intermittent and temporary and would dissipate rapidly from the source with an increase in distance. Finally, the proposed Area Plan Amendment does not propose the siting of new sensitive receptors (e.g., schools, hospitals). Thus, neither project construction nor operation of the proposed Area Plan Amendment would create objectionable odors affecting a substantial number of people, nor would the proposed Area Plan Amendment result in the siting of sensitive receptors in proximity to an odor source. There would be no impact.

d) Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

No Impact. The effects of the Area Plan related to greenhouse gas (GHG) emissions within the plan area are the same as those analyzed in the 2012 RPU EIS, and therefore the analysis is tiered from and consistent with the 2012 RPU EIS. The proposed Area Plan Amendment would not modify existing laws or regulations that address GHG emissions, and the Area Plan already includes standards and incentives to reduce GHG emissions. These provisions require that all publicly funded buildings in the plan area be designed and constructed to an industry recognized standard for sustainability and greenhouse gas reduction; and waive fees for development rights held by Douglas County for projects that achieve an established greenhouse gas reduction standard. In addition, future projects that could be implemented under the Area Plan Amendment would be subject to subsequent environmental review and permitting and would be required to comply with Chapter 65 of the TRPA Code. Chapter 65 includes provisions that apply to direct sources of air pollution in the Tahoe Region. Adherence to these air quality provisions would also reduce GHG emissions.

Implementation of the Area Plan Amendment could result in some level of development and population growth anticipated during the plan horizon that would contribute some level of GHG to the regional output. However, the amendment would not alter the potential for development and population growth that could occur under the existing Area Plan. As described above for air pollutant emissions, GHG emissions can occur form construction-related activity and from operations of structures within the plan area. The 2012 RPU EIS evaluated these effects under Impact 3.5-1 on pages 3.5-15 through 3.5-25. It determined that full build-out of all development allowed within the Tahoe Region would result in a net increase in GHG emissions compared with baseline 2010 emissions (TRPA 2012a: page 3.5-20). The 2012 RPU EIS determined that this would be a significant impact (see TRPA 2012a: page 3.5-14).

As part of the TRPA RPU EIS mitigation measure to reduce stationary sources of GHG emissions, TRPA adopted several provisions intended to reduce GHG emissions in November 2013. The GHG reduction provisions include additional best construction practices policies, a requirement to include a Greenhouse Gas (GHG) reduction strategy in area plans, a woodstove rebate program, and revisions to TRPA Code sections to remove unintended barriers to sustainable design. In Section 65.1.8.A (Air Quality/Transportation, Idling Restrictions) of the TRPA Codes, a new subsection was added to limit idling times for heavy construction equipment to no more than 15 minutes. In addition to reduced idling time policies, the TRPA Standard Conditions of Approval for Grading Projects (TRPA Permit Attachment Q) and Standard Conditions of Approval for Residential Projects (TRPA Permit Attachment R) include new construction provisions that call for the use of existing power sources (e.g., power grid) or clean-fuel generators rather than temporary diesel power generators wherever feasible. Chapter 13 (Area Plans) of the TRPA Code now requires a strategy in Area Plans to lower emissions of greenhouse gases from the operation or construction of buildings. The strategy must include elements in addition to those included to satisfy other state or TRPA requirements. The existing Area Plan addresses this provision by requiring that all buildings in the plan area be designed and constructed in an energy efficient manner.

Compliance with TRPA Code and Douglas County regulations, as well as implementation of pedestrian and alternative transportation improvements, mixed-use design, infill, and energy efficient design and landscaping, and woodstove retrofit programs supports ongoing reductions to regionwide GHG emissions. The Area Plan already beneficially reduces new GHG sources as compared to the 2012 RPU EIS analysis due to implementation of new energy efficiency requirements and incentives. While implementation of the TRPA Regional Plan (i.e., cumulative condition) was reported to result in significant and unavoidable impacts to GHG emissions in the RPU EIS, a region-wide program of GHG reduction strategies, including those described above and strategies contained in the Lake Tahoe Sustainability Action Plan, is now in place. The Area Plan is already consistent with these existing programs. Provisions in the Area Plan promote sustainable design, green building incentives, and energy efficiency improvements to support these strategies and remove unintended barriers to GHG-reducing projects in Chapter 36 of the TRPA Code.

Because the Area Plan is already consistent with the regional GHG reduction strategies included in the Regional Plan, its GHG emissions are less than those identified and analyzed in the 2012 RPU EIS, and these elements of the Area Plan would not be affected by the amendment, the amendment would have no impact.

e) Increased use of diesel fuel?

No Impact. The effects of the Area Plan are the same as those analyzed in the 2012 RPU EIS, and therefore this analysis is tiered from and consistent with the RPU EIS. As with existing conditions, construction and operation of future projects under the proposed Area Plan Amendment would require the use of diesel fuel associated with construction equipment and ongoing vehicle use. One of the primary concerns related to diesel fuel consumption is the resultant exposure of sensitive receptors to emissions of toxic air contaminants (TACs) contained in emissions from diesel equipment. Future projects in the plan area could result in short-term diesel exhaust emissions, including diesel particulate matter (PM), from the use of heavy-duty diesel equipment required for construction activities.

Diesel PM is a toxic air contaminant (TAC) and the potential cancer risk from the inhalation of diesel PM is a more serious risk than the potential non-cancer health impacts (TRPA 2012a, page 3.4-39). Consistent with the findings in the RPU EIS, the proximity of heavy-duty diesel-fueled construction equipment to existing sensitive receptors within or adjacent to the plan area during construction activities may result in exposure of sensitive receptors to TACs. However, the proposed Area Plan Amendment does not include changes in land use or design standards that would increase exposure.

As part of the RPU EIS mitigation to reduce construction-generated emissions, TRPA adopted additional best construction practices measures regarding the reduction of diesel fuel emissions as described above.

Projects implemented under the Area Plan Amendment would be subject to all air quality standards in the TRPA Code, including these measures that were adopted to mitigate diesel PM emissions associated with build-out of the Regional Plan. Therefore, because measures identified in the RPU EIS that would reduce construction-related TAC emissions to the extent feasible have already been incorporated into the Area Plan, future projects under the amendment involving the use of heavy-duty diesel-fueled equipment would not result in the exposure of sensitive receptors to TACs. Because the amendment would not increase the use of diesel fuel or alter regulations related to activities that consume diesel fuel, there would be no impact.

3.4 WATER QUALITY

ENVIRONMENTAL ISSUES	Yes	No, With Mitigation	No	Data Insufficient
III. Water Quality.				
Will the proposal result in:				
a) Changes in currents, or the course or direction of water movements?	☐	☐	☒	☐
b) Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site?	☐	☐	☒	☐
c) Alterations to the course or flow of 100-yearflood waters?	☐	☐	☒	☐
d) Change in the amount of surface water in any water body?	☐	☐	☒	☐
e) Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	☐	☐	☒	☐
f) Alteration of the direction or rate of flow of groundwater?	☐	☐	☒	☐
g) Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	☐	☐	☒	☐
h) Substantial reduction in the amount of water otherwise available for public water supplies?	☐	☐	☒	☐
i) Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?	☐	☐	☒	☐
j) The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?	☐	☐	☒	☐
k) Is the project located with 600 feet of a drinking water source?	☐	☐	☒	☐

3.4.1 Discussion

a) Changes in currents, or the course or direction of water movements?

No Impact. The proposed Area Plan Amendment would not alter regulations related to hydrology or the alternation of watercourses. The Area Plan identifies potential projects that benefit water quality. These projects could modify the currents, course, or direction of water movements and/or affect other hydrologic processes in waterbodies within the plan area. However, the Area Plan does not approve any of these projects and each project is subject to a project-level planning, design, environmental review, and permitting process. This process includes compliance with the resource management and protection provisions of TRPA Code Chapters 60 through 68; environmental review of the

project consistent with Chapter 3 of the TRPA Code and NEPA, if applicable; and adherence to permit requirements including TRPA standard permit conditions and requirements of Sections 401 and 404 of the Clean Water Act. Because the amendment would not alter existing regulations or increase the potential for modifications to hydrology, there would be no impact.

b) Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20-year, 1-hour storm runoff (approximately 1 inch per hour) cannot be contained on the site?

No Impact. The Area Plan Amendment would not alter requirements related to stormwater or drainage. The effects of the Area Plan related to changes in drainage patterns, absorption rates, and surface water runoff within the plan area are the same as those analyzed in the 2012 RPU EIS, and therefore the analysis is tiered from and consistent with the 2012 RPU EIS. The 2012 RPU EIS evaluated these impacts under Impact 3.8-4 on pages 3.8-32 through 3.8-53. That analysis evaluated Regional Plan provisions that would increase the maximum allowable coverage in Town Centers for both developed and undeveloped parcels from 50 to 70 percent for high capability lands (LCDs 4-7). It determined that implementation of these Regional Plan policies, including mitigation measures that were incorporated into the Regional Plan, would result in a less-than-significant impact related to stormwater runoff. The existing Area Plan implements these Regional Plan standards, resulting in a potential increase in coverage within Town Centers. However, as discussed in Section 3.2.1(a), this increase in coverage requires restoration and transfers of existing coverage from elsewhere, resulting in a net reduction in land coverage, including a reduction in land coverage in sensitive lands. This results in a net improvement in absorption rates throughout the plan area.

All new coverage within the plan area is required to implement stormwater BMPs as required by TRPA Code Section 60.4. The 2012 RPU EIS evaluated the performance of BMPs in Town Centers under the coverage provisions included in the Area Plan and found that high capability lands with up to 70 percent coverage could accommodate the design and construction of BMPs of sufficient size to mitigate the impacts of the impervious coverage (TRPA 2012a: 3.8-25). The results of Pollutant Load Reduction Modelling completed as part of the 2012 RPU EIS also confirmed that implementation of these BMPs would successfully reduce surface runoff within Town Centers (TRPA 2012b: 3-32). Additionally, individual future projects under the amended Area Plan would continue to undergo project-level environmental review and would continue to be required to demonstrate compliance with BMP provisions, including the construction of BMPs to capture water runoff so that runoff from a 20-year, 1-hour storm can be captured on site, as applicable, and meet all other applicable water quality regulations and standards. Because the amendment would not alter existing regulations or increase the potential for changes in absorption rates, there would be no impact.

c) Alterations to the course or flow of 100-year flood waters?

No Impact. The proposed Area Plan Amendment would not alter regulations related to floodplains or flooding. All development in the plan area that is subject to floods would continue to be required to meet the design and development standards established in the Douglas County Development Code. Additionally, TRPA Code Section 35.4, "Floodplains," prohibits additional development, grading, and filling of lands within the 100-year floodplain, except under specific circumstances. These provisions increase compliance with design and development standards related to flooding. The Area Plan Amendment would not alter land use such that permissible uses would result in a change to the course or flow of 100-year flood waters from what would be allowed under the existing Area Plan. See also the discussion in Section 3.4.1(a).

d) Change in the amount of surface water in any water body?

No Impact. The proposed Area Plan Amendment would not alter land use such that permissible uses within plan area would change the amount of surface water in any water body from what would be allowed under the existing Area Plan. Any development that has the potential to increase impervious area could increase surface water runoff, which would result in changes to the amount of surface water in water bodies. Refer to Section 3.4.1(b), which addresses this issue. The Area Plan identifies proposed watershed and water quality projects that could affect the amount of surface

water in water bodies. Refer to Section 3.4.1(a), which addresses this topic. See also Section 3.17.1(c), which addresses municipal water supplies.

e) Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?

No Impact. The proposed Area Plan Amendment would not alter or revise the regulations pertaining to discharge into surface waters and surface water quality. Nor would it result in land use changes that could increase the risk of discharge into surface waters. As with existing conditions, all development, redevelopment, and infrastructure improvements within the plan area would continue to be required to meet the discharge standards of the NDEP, and where applicable comply with a Stormwater Discharge Permit. All projects that would create more than one acre of disturbance are required to prepare a storm water pollution prevention plan (SWPPP). Future projects implemented under the amendment would also be required to comply with the TRPA Code provisions in Section 60.1., "Water Quality Control." This section identifies standards for discharge and surface water runoff from parcels and regulates domestic, municipal, and industrial wastewater. These requirements would continue to prevent projects from causing degradation to surface water in excess of the limits identified in the TRPA Code. Future projects would also continue to be required to adhere to TRPA Code Section 60.2., "Water Quality Mitigation," which requires that all new development–that is, any development that generates new impervious coverage–completely offset any potential water quality impacts. Additionally, projects implemented under the Area Plan Amendment would be evaluated on a project-specific basis and would therefore be required to undergo project-specific environmental review, where applicable, and establish that they would not result in a degradation of water quality. For these reasons there would be no impact.

f) Alteration of the direction or rate of flow of groundwater?

No Impact. The proposed Area Plan Amendment would not alter regulations related to groundwater. Nor would it include land use changes that would increase the potential for future projects to alter the rate or flow of ground water. Future projects implemented under the amendment could involve excavating to a depth deeper than 5 feet below ground surface, or to depths that would intercept groundwater. However, all projects would continue to be evaluated on a project-specific basis and would be required to adhere to numerous regional and local requirements and regulations relating to grading. These include adherence to Chapter 33 of the TRPA Code, which identifies various standards and regulations related to grading to protect against significant adverse effects from development. Chapter 33 also specifically prohibits excavations greater than 5 feet below ground surface, or shallower in areas of known high groundwater, because of the potential for groundwater interception or interference, except in limited cases. Thus, there would be no impact.

g) Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?

No Impact. As stated above under 3.1(f), the proposed Area Plan Amendment would not alter regulations relating to groundwater; and all future projects would be evaluated on a project-specific basis and would be required to adhere to numerous regional and local requirements and regulations relating to grading and groundwater interception. As described in Section 3.17.1.C, municipal water supplies in the plan area are provided from surface water sources and would not substantially affect groundwater.

h) Substantial reduction in the amount of water otherwise available for public water supplies?

No Impact. The proposed Area Plan Amendment would also not alter land use such that permissible uses within the plan area would result in a change in water use from what would be allowed under the existing Area Plan. Nor would it alter regulations related to public water supplies. See also Section 3.17.1(c), which addresses municipal water supplies.

i) Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?

No Impact. Within the plan area, there are locations exposed to 100-year flood risk, as well as areas with a known risk of seiche exposure. However, the proposed Area Plan Amendment would not increase the overall growth potential within the plan area beyond that which could occur under the existing Area Plan. The Area Plan already includes height and density provisions that could direct a greater proportion of future growth into existing Town Centers. These Town Centers are above elevation 6,260, which is generally susceptible to seiche. Refer to Section 3.4.1(c), above, which addresses the potential for future development within floodplains. In addition, the Area Plan clarifies and makes consistent the process for reviewing proposals that have the potential to be affected by flooding or other natural hazards. These provisions increase compliance with design and development standards related to water hazards including flooding and seiche.

j) The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?

No Impact. The proposed Area Plan Amendment would not alter regulations related to the discharge of contaminants to groundwater. Nor would it include land use changes that would allow for uses that would increase the risk of groundwater quality degradation, such as new uses that require additional fertilizer. As with existing conditions, all development, redevelopment, and infrastructure improvements within the plan area would continue to be required to meet the discharge standards of the NDEP, and where applicable comply with a Stormwater Discharge Permit. All projects that would create more than one acre of disturbance are required to prepare a SWPPP, which would include applicable provisions to protect groundwater quality. Future projects implemented under the amendment would also be required to comply with the TRPA Code provisions in Section 60.1, "Water Quality Control." This section identifies standards to prevent groundwater quality degradation, including limits on fertilizer use and discharges to groundwater. These requirements would continue to prevent projects from causing degradation to groundwater quality.

k) Is the project located within 600 feet of a drinking water source?

No Impact. The Kingsbury Commercial Town Center (i.e., T-MU/TC zoning district) does not include and is not located within 600 feet of any drinking water sources (wells or intakes) (TRPA 2000). Therefore, there would be no impact to drinking water sources.

3.5 VEGETATION

ENVIRONMENTAL ISSUES	Yes	No, With Mitigation	No	Data Insufficient
IV. Vegetation.				
Will the proposal result in:				
a) Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system?	☐	☐	☒	☐
b) Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?	☐	☐	☒	☐
c) Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?	☐	☐	☒	☐
d) Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora and aquatic plants)?	☐	☐	☒	☐
e) Reduction of the numbers of any unique, rare or endangered species of plants?	☐	☐	☒	☐
f) Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows?	☐	☐	☒	☐
g) Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TPA's Conservation or Recreation land use classifications?	☐	☐	☒	☐
h) A change in the natural functioning of an old growth ecosystem?	☐	☐	☒	☐

3.5.1 Discussion

a) Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system?

No Impact. Implementation of the proposed Area Plan Amendment would not alter regulations pertaining to the preservation of native vegetation. As with existing conditions, vegetation surrounding the construction site of any project permitted under the amendment would be required to comply with TRPA Code Section 33.6, "Vegetation Protection During Construction," and TRPA Standard Conditions of Approval for Grading Projects (TRPA Permit Attachment Q). 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.

Furthermore, the proposed Area Plan Amendment would not change land use classifications or allow new uses that would be more likely to require vegetation removal. Because the Area Plan already facilitates more concentrated redevelopment in existing Town Centers (through height and density provisions) without changing the overall growth

potential, it reduces the potential for development on vacant lands containing native vegetation because a higher proportion of future growth would likely occur in already developed Town Centers.

b) Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?

No Impact. The proposed Area Plan Amendment would not alter the regulations relating to vegetation removal or groundwater management. Water supply within the plan area is provided from Lake Tahoe and tributary surface waters. Consistent with existing conditions, future projects under the amendment would be required to meet TRPA requirements for water supply. TRPA regulations prohibit the approval of any development requiring water unless there is adequate water supply within an existing water right (TRPA Code Section 32.4.1). Additionally, TRPA Code Section 33.3.6, "Excavation Limitations," prohibits excavation that intercepts or interferes with groundwater except under specific circumstances and with prior approval by TRPA. For these reasons, future projects approved under the proposed Area Plan Amendment would not directly or indirectly lower the groundwater table.

In addition, vegetation removal associated with projects that could occur under the Area Plan Amendment would be required to comply with existing TRPA, federal, and state regulations, permitting requirements, and environmental review procedures that protect habitat that supports riparian vegetation and critical wildlife. Specifically, riparian vegetation and wildlife habitat are protected by TRPA Code Sections 61.1.6, "Management Standards for Tree Removal," 61.3.3, "Protection of Stream Environment Zones," and 63.3, "Fish Habitat Protection," and Chapter 62, "Wildlife Resources." For these reasons, development under the amendment would not alter the potential for impacts to riparian vegetation compared to existing conditions; and is not expected to result in the removal of riparian or other vegetation associated with critical wildlife habitat.

c) Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?

No Impact. The proposed Area Plan Amendment would not alter regulations relating to new vegetation, nor would it allow new land uses that are more likely to require fertilizer or water than existing uses allowed in the plan area. As with existing conditions, implementation of future development or redevelopment projects under the amendment would be required to comply with TRPA Code provisions (e.g., Section 61.4, "Revegetation") and Goals and Policies that prohibit the release of non-native species in the Region. Generally, native species require less fertilizer and water than non-native species. Provisions for fertilizer management and preparation of fertilizer management plans that address the type, quantity, and frequency of use of fertilizers are included in Section 60.1.8 of the TRPA Code. Moreover, future projects under the amended Area Plan would continue to be subject to project-level environmental review and permitting, and at that time they would be required to demonstrate that any proposed new vegetation would not require excessive fertilizer or water or provide a barrier to the normal replenishment of existing species.

d) Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora and aquatic plants)?

No Impact. This impact is addressed in Sections 3.5.1(a), (b), and (c), above, and in Sections 3.5.1©, (f), (g), and (h), below.

e) Reduction of the numbers of any unique, rare, or endangered species of plants?

No Impact. The proposed Area Plan Amendment would not alter or revise the regulations pertaining to unique, rare, or endangered species of plants. Nor would it alter land use regulations to allow new uses or structures that are more likely to affect unique, rare, or endangered species of plants. The natural resource protection provisions of TRPA Code Chapters 61, "Vegetation and Forest Health," and 62, "Wildlife Resources," would still apply to all future projects within the plan area. As with existing conditions, construction activities associated with implementation of future projects under the amendment could affect special-status plant species and the presence of suitable habitat, depending on the type, timing, and specific nature of any proposed actions. However, all projects implemented under the amendment would continue to be subject to project-level environmental review and permitting. During such subsequent reviews, potential effects on plant species would be determined based on the species' distribution

and known occurrences relative to the project area, the presence of suitable habitat for the species in or near the project area, and preconstruction surveys. TRPA's existing policies and code provisions address potential impacts to special-status species through site-specific environmental review, require development and implementation of project-specific measures to minimize or avoid impacts through the design process, and require compensatory or other mitigation for any adverse effects on special-status species as a condition of project approval (see TRPA Code Sections 61.3.6, "Sensitive and Uncommon Plant Protection and Fire Hazard Reduction," and 62.4, "Special Interest, Threatened, Endangered, and Rare Species"). Project-level planning and environmental analysis would identify potentially significant effects, minimize or avoid those impacts through the design process, and require mitigation for any significant effects as a condition of project approval.

f) Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows?

No Impact. The proposed Area Plan Amendment would not alter the regulations pertaining to removal of stream bank or backshore vegetation. Refer to Section 3.5.1(b), above, for more detail on impacts regarding impacts related to vegetation removal.

g) Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within T'PA's Conservation or Recreation land use classifications?

No Impact. The proposed Area Plan Amendment would make no changes to regulations regarding the removal of native trees 30 inches or greater diameter at breast height (dbh). Nor would the proposed Area Plan Amendment include land use or regulatory changes that would be more likely to result in the cutting of trees greater than 30 inches dbh. Portions of the plan area are designated as Recreation and Conservation land use classifications. Forested areas within the plan area are defined as a "eastside forest type" (TRPA Code Chapter 90, "Definitions"). TRPA Code Section 61.1.4, "Old Growth Enhancement and Protection," includes TRPA's old growth enhancement and protection provisions, which prohibits cutting any live dead, or dying tree larger than 24 inches dbh in eastside forest types on conservation and recreation lands or within stream environment zone (SEZ) areas, except under certain defined conditions.

Future projects implemented in the plan area would continue to be subject to subsequent project-level environmental review and permitting by TRPA and Douglas County. As with existing conditions, permit applicants would continue to be required to demonstrate that tree removal would be conducted in accordance with Chapter 61, "Vegetation and Forest Health," of the TRPA Code, including those provisions related to the removal of trees 30 inches dbh or greater set forth to protect the natural function of old growth ecosystems on recreation and SEZ lands.

h) A change in the natural functioning of an old growth ecosystem?

No impact. The proposed Area Plan Amendment would not alter the regulations pertaining to old growth ecosystem management within the plan area, nor would it include land use changes within these areas. Refer to Section 3.5.1(g), above, for more detail on impacts to old growth ecosystems and old growth tree removal.

3.6 WILDLIFE

ENVIRONMENTAL ISSUES	Yes	No, With Mitigation	No	Data Insufficient
V. Wildlife.				
Will the proposal result in:				
a) Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)?	☐	☐	☒	☐
b) Reduction of the number of any unique, rare or endangered species of animals?	☐	☐	☒	☐
c) Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	☐	☐	☒	☐
d) Deterioration of existing fish or wildlife habitat quantity or quality?	☐	☐	☒	☐

3.6.1 Discussion

a) Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)?

No Impact. The proposed Area Plan Amendment would not alter the regulations pertaining to the protection of animal species. Nor would it alter land use regulations to allow new uses or structures that are more likely to affect the diversity or distribution of any species of animal than could currently occur within the plan area. The resource management provisions contained in Chapters 60 through 68 of the TRPA Code would continue to apply to future projects within the plan area. Any future projects under the amendment would continue to be subject to subsequent project-level environmental review and permitting. As with existing conditions, permit applicants would continue to be required to demonstrate that any proposed project would be consistent with TRPA Code provisions related to resource management, including the provisions of Chapters 62 and 63 that address protection of wildlife and fish resources, respectively. For these reasons, adoption of the proposed Area Plan Amendment would not result in a change in the diversity or distribution of species, or numbers of any species or animal.

b) Reduction of the number of any unique, rare, or endangered species of animals?

No Impact. The proposed Area Plan Amendment would not alter or revise the regulations pertaining to special-status or listed species of animals. Nor would it alter land use regulations to allow new uses or structures that are more likely to affect the diversity or distribution of any species of animal than could currently occur within the plan area. As with existing conditions, future development or redevelopment projects under the amendment could affect unique, rare, or endangered species depending on the type, timing, and specific nature of future proposed projects. However, any such projects would continue to be subject to subsequent project-level environmental review and permitting at which time they would be required to demonstrate compliance with all federal, state, and TRPA regulations pertaining to the protection of animal species. The protections for rare and special-status species contained in Sections 61.3.6 and 62.4 of the TRPA Code would continue to be applicable to all future projects within the plan area. At a project-level, potential effects on animal species would be determined based on the species' distribution and known occurrences relative to the project area, the presence of suitable habitat for the species in or

near the project area, and preconstruction surveys. Existing policies and TRPA Code provisions address potential impacts to special-status species through site-specific environmental review, development and implementation of project-specific measures to minimize or avoid impacts through the design process, and compensatory or other mitigation for any adverse effects on special-status species as a condition of project approval (TRPA Code Sections 61.3.6 and 62.4). Project-level planning and environmental analysis would identify potentially significant effects, minimize or avoid those impacts through the design process, and require mitigation for any significant effects as a condition of project approval. Therefore, implementation of the proposed Area Plan Amendment would not result in the reduction in the number of any unique, rare, or endangered species of animal

c) Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?

No Impact. The proposed Area Plan Amendment would not alter or revise the regulations pertaining to the introduction of new species migration or movement of animals. Nor would it alter land use regulations to allow new uses or structures that are more likely to result in the introduction of new species or barriers to wildlife movement than could currently occur within the plan area. As with existing conditions, future development or redevelopment projects in the plan area could result in a barrier to the migration or movement of animals depending on the type, timing, and specific nature of proposed actions. Future projects located within the existing Town Center area would have minimal impact to wildlife corridors because of existing development patterns. Because the Area Plan includes height and density provisions that increase the proportion of future development that would occur within already-developed Town Centers, the risk of barriers to wildlife movement is relatively low. Any future projects would continue to be subject to subsequent project-level environmental review and permitting at which time they would be required to demonstrate compliance with all federal, state, and TRPA regulations including TRPA Code Chapters 62 and 63 (Wildlife Resources and Fish Resources, respectively). For these reasons, the proposed Area Plan Amendment would not result in the introduction of new species of animals or result in a barrier to the movement of animal specie

d) Deterioration of existing fish or wildlife habitat quantity or quality?

No Impact. The Area Plan Amendment would not alter or revise the regulations pertaining to existing fish or wildlife habitat quantity or quality. Nor would it alter land use regulations to allow new uses or structures that are more likely to result in the deterioration of existing habitat quantity or quality than could currently occur within the plan area. As with existing conditions, future development or redevelopment projects under the amendment could affect fish and wildlife depending on the type, timing, and specific nature of future projects. However, future projects would be subject to project-level environmental review and permitting and would be required to demonstrate compliance with all federal, state, and TRPA regulations pertaining to the protection of fish and wildlife including those contained in Chapters 62, "Wildlife Resources," and 63, "Fish Resources," of the TRPA Code. Project-level planning and environmental analysis would identify potentially significant effects, minimize or avoid those impacts through the design process, and require mitigation for any significant effects as a condition of project approval. Therefore, implementation of the proposed Area Plan Amendment would not result in the deterioration of existing fish or wildlife habitat quantity. Moreover, the Area Plan specifically identifies priority areas for SEZ restoration that can directly benefit habitat quantity and quality.

3.7 NOISE

ENVIRONMENTAL ISSUES	Yes	No, With Mitigation	No	Data Insufficient
VI. Noise.				
Will the proposal result in:				
a) Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Area Plan, Plan Area Statement, Community Plan or Master Plan?	☐	☐	☒	☐
b) Exposure of people to severe noise levels?	☐	☐	☒	☐
c) Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?	☐	☐	☒	☐
d) The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible?	☐	☐	☒	☐
e) The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses?	☐	☐	☒	☐
f) Exposure of existing structures to levels of ground vibration that could result in structural damage?	☐	☐	☒	☐

3.7.1 Discussion

a) Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Area Plan, Plan Area Statement, Community Plan or Master Plan?

Less than significant. This potential effect is the same as those analyzed in the 2012 RPU EIS, and therefore this analysis tiers from and is consistent with the 2012 RPU EIS. The proposed Area Plan Amendment would not alter the CNEL standards set forth in the existing Area Plan, and the plan would continue to apply them. Additionally, the Douglas County Development Code includes noise standards consistent with the TRPA Code and includes standards that apply to the highway corridors (i.e., the area within 300 feet from the roadway edge) influenced by traffic noise. These standards are consistent with TRPA's noise threshold, which is established based on the characteristics of the area.

The growth projections associated with the Area Plan are consistent with the analysis included in the 2012 RPU EIS, which evaluated complete buildout of Tahoe Region including the plan area. Therefore, this potential effect is the same as that which was analyzed in the 2012 RPU EIS.

Implementation of the proposed Area Plan Amendment would not result in the development of new major stationary noise sources. However, future projects in the plan area would result in increases in vehicle travel and traffic volumes on roadways compared to existing conditions. Many areas in the Region are in nonattainment with respect to their applicable CNEL standards, including US 50 and SR 207 (TRPA 2019). As detailed in the 2012 RPU EIS, it is unknown at

this time whether all individual proposed projects would be able to incorporate design and operational measures that would prevent an increase in traffic noise levels that exceed applicable CNEL standards or result in increased traffic noise levels in areas where these CNEL standards are already exceeded. To mitigate this potential impact, TRPA revised TRPA Code Section 68.8.3 to require that all substantial transportation projects in transportation corridors that are not in attainment of adopted CNEL standards incorporate mitigating design features to achieve adopted standards. This requirement would reduce the noise impact identified in the 2012 RPU EIS to a less-than-significant level and would continue to apply with adoption of the proposed Area Plan Amendment.

The Area Plan Amendment could result in the establishment of religious assembly uses without a discretionary special use permit approval process. Removal of the special use permit process would remove one review process that would consider the potential for religious assembly uses to create increases in noise. However, by their nature, religious assembly uses are not more prone to excessive noise than other similar uses that are already allowed by right in the Mixed-Use portion of the plan area (e.g., social service organizations, membership organizations, local assembly and entertainment, and cultural facilities). Further, all future projects within the plan area would be evaluated at a project level and Douglas 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 Douglas 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 TRPA's threshold standards; and thus, future projects under the amendment would only be approved by TRPA or Douglas County if they can demonstrate compliance with these CNEL standards. Therefore, this impact would be less than significant.

b) Exposure of people to severe noise levels?

No Impact. The Area Plan Amendment would not alter requirements related to noise levels. The potential effect of the amended Area Plan is the same as those analyzed in the 2012 RPU EIS, and therefore this analysis tiers from and is consistent with the 2012 RPU EIS.

Construction activities associated with new development and redevelopment under the amended Area Plan could continue to include site preparation (e.g., demolition, clearing, excavation, grading), foundation work, paving, building construction, utility installation, finishing, and cleanup. These activities typically involve the use of noise generating equipment such as cranes, excavators, dozers, graders, dump trucks, generators, backhoes, compactors, and loaders. Noise levels associated with these types of equipment are typically between 70 and 85 dBA L_{max} at 50 feet. In unique circumstances, specialized construction equipment (such as pile drivers) or techniques (such as blasting) that are inherently louder than typical construction equipment (typically between 94 and 101 dBA L_{max} at 50 feet) may be required (TRPA 2012a: pages 3.6-16 and 3.6-17). The 2012 RPU EIS determined that this construction activity could result in a significant impact.

TRPA adopted additional best construction practices policies regarding noise generation designed to reduce construction related noise levels to a less-than-significant level, as detailed in Mitigation Measure 3.6-2 on page 3.6-18 through 3.6-19 of the RPU EIS (TRPA 2012a). In November 2013, TRPA formalized the best construction policies by including additional noise requirements in the TRPA Standard Conditions of Approval for Grading Projects (TRPA Permit Attachment Q) and Standard Conditions of Approval for Residential Projects (TRPA Permit Attachment R). These conditions require that projects utilize existing power sources instead of generators where feasible, keep engine doors closed during periods of operation, locate stationary equipment (e.g., generators or pumps) and staging areas as far as feasible from noise-sensitive receptors (e.g., residential areas), install temporary sound barriers around construction areas or stationary noise sources (e.g., pumps or generators) near noise sensitive receptors (e.g., residential areas), use sonic pile driving instead of impact pile driving where feasible, and pre-drill holes to minimize impacts of pile driving. The 2012 RPU EIS determined that with implementation of the TRPA Best Construction Practices Policy, this impact would be less than significant (2012b: page 3.6-19).

TRPA or Douglas County would continue to evaluate individual future projects within the plan area at a project level. Through the project-level analysis, TRPA or Douglas County would evaluate project-specific noise impacts and would require compliance with all applicable noise reducing measures identified in the standard condition of approval. Thus, because the existing Area Plan and the associated construction activities are consistent with the analysis included in

the 2012 RPU EIS, future projects carried out under the amendment would not expose noise-sensitive receptors to excessive noise level.

c) Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?

No impact. Single-event noise standards are set forth in Section 68.3.1 of the TRPA Code for aircraft, watercraft, motor vehicles, motorcycles, off-road vehicles, and over-snow vehicles. The proposed Area Plan Amendment would not alter standards related to single-event noise, nor would it allow uses that are more likely to result in single-event noise exceedances than are already possible under the existing Area Plan. Future projects allowed within the existing Area Plan, as well as those that could occur with adoption of the proposed Area Plan Amendment, could involve uses that include these types of motorized vehicles. The potential for a vehicle to exceed single-event noise standards depend on the condition and operation of the specific vehicle, which would not be affected by the proposed Area Plan Amendment.

d) The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible?

Less than significant. As detailed in Section 3.7.1(a) above, US 50 and SR 207 are in nonattainment with respect to applicable CNEL standards. These roadways run through the plan area, and as modeled and described in the 2012 RPU EIS and as reflected in the 2019 Threshold Evaluation, traffic noise on these roads currently exceed 60 CNEL. Therefore, if any religious assembly uses under the existing Area Plan or Area Plan Amendment were placed near these roadways, noise levels could exceed 60 CNEL at those locations.

However, as detailed in Section 3.7.1(a) above, TRPA and Douglas County would continue to evaluate individual projects within the plan area at a project level and would enforce CNEL standards on a project-by-project basis pursuant to the noise limitations in TRPA Code Chapter 68, "Noise Limitations." Therefore, through the project-level analysis, TRPA and Douglas County would continue to evaluate the compatibility of new proposed projects and 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; and thus, any project implemented under the proposed Area Plan Amendment would also only be approved by TRPA or Douglas County if they can demonstrate compliance with these CNEL standards. Therefore, this impact would be less than significant

e) The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses?

Less than significant. As detailed in Section 3.7.1(a) above, TRPA and Douglas County would continue to evaluate individual future projects under the amendment at a project level and would enforce CNEL standards on a project-by-project basis pursuant to the noise limitations in TRPA Code Chapter 68, "Noise Limitations." Therefore, through the project-level analysis, TRPA or Douglas County would evaluate the compatibility of proposed projects and 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; and thus, any future project carried out under the amendment would only be approved by TRPA or Douglas County if they can demonstrate compliance with these noise standards. Therefore, this impact would be less than significant.

f) Exposure of existing structures to levels of ground vibration that could result in structural damage?

No Impact. The proposed Area Plan Amendment does not contemplate any new major stationary sources of ground vibration; therefore, operation of projects that would result in ground vibration is not evaluated. The amendment would not alter regulations related to ground vibration and religious assembly uses are not, by their nature, more prone to creating ground vibration than other uses already allowed within the Mixed-Use portion of the plan area.

Future construction activities that could occur under the amendment could generate varying degrees of temporary ground vibration, depending on the specific construction equipment used and activities involved. Ground vibration

generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. Construction-related ground vibration is normally associated with impact equipment such as pile drivers, jackhammers, and the operation of some heavy-duty construction equipment, such as dozers and trucks. Blasting activities also generate high levels of ground vibration. As detailed under Impact 3.6-3, Ground Vibration, of the 2012 RPU EIS, ground vibration generated during construction of projects could result in damage to nearby buildings and structures and/or result in a negative human response to vibration-sensitive land uses.

To reduce this potential effect, TRPA implemented Mitigation Measure 3.6-3 of the RPU EIS by adopting additional best construction practices policies regarding construction-generated noise and ground vibration designed to reduce construction related vibration levels down to a less-than-significant level (see Section 3.7.1(b), above). In addition, the existing Area Plan is designed to improve and protect the scenic quality and tranquility of the planning area by, in part, continuing to limit hours for construction and demolition work to reduce construction-related noise and vibration.

As detailed in Section 3.7.1(b) above, TRPA or Douglas County would continue to evaluate individual future projects at a project level. Through the project-level analysis, TRPA or Douglas County would assess the potential for a future project to cause ground vibration that would result in structural damage, and where necessary require mitigation measures to prevent this impact. In addition, TRPA and Douglas County would only approve projects with construction activity that complies with all applicable measures identified by the Best Construction Practices Policy. Thus, because the existing Area Plan is consistent with ground vibration mitigation measures identified in the 2012 RPU EIS, and because future projects would be evaluated and ground vibration mitigated, future projects carried out under the proposed Area Plan Amendment would not expose receptors to vibration levels that could result in structural damage.

3.8 LIGHT AND GLARE

ENVIRONMENTAL ISSUES	Yes	No, With Mitigation	No	Data Insufficient
VII. Light and Glare.				
Will the proposal:				
a) Include new or modified sources of exterior lighting?	☐	☐	☒	☐
b) Create new illumination which is more substantial than other lighting, if any, within the surrounding area?	☐	☐	☒	☐
c) Cause light from exterior sources to be cast off - site or onto public lands?	☐	☐	☒	☐
d) Create new sources of glare through the siting of the improvements or through the use of reflective materials?	☐	☐	☒	☐

3.8.1 Discussion

a) Include new or modified sources of exterior lighting?

No Impact. The proposed Area Plan Amendment would not increase the potential for growth in the plan area beyond that which could occur under the existing Area Plan. As with existing conditions, future projects could result in new sources of light from exterior lighting.

The TRPA design standards for exterior lighting (TRPA Code Chapter 36, "Design Standards") are designed to reduce light pollution and reduce the splay of light on adjoining parcels and adjacent residential uses (TRPA 2012a). The proposed Area Plan Amendment would abide by the existing Area Plan Design Standards and Guidelines for the plan area which meet, and in some areas surpass, the requirements of the TRPA design standards.

The existing Area Plan Design Standards and Guidelines also require that exterior light sources be shielded and downward facing, and prohibit the use of flood lighting, reflective materials, and lighting strips (including neon/fluorescent tubing) to minimize reflectivity and glare. As the applicable lighting standards would not change with adoption of the proposed Area Plan Amendment, glare and reflectivity from a future project carried out under the amendment would not change compared to projects developed under the existing Area Plan, and would not adversely affect day or nighttime views in the area.

The existing Area Plan design standards and guidelines incorporate protections for natural features with the goal to encourage projects to create a context-sensitive design of the built environment that reflects differences in the character of unique communities consistent with recommendations in the Scenic Quality Improvement Program (SQIP) (TRPA 1989). These standards reduce the potential for future projects to result in substantial light or glare, new sources of light or glare that are more substantial than other light or glare in the area, or exterior light that is cast off-site.

All future projects carried out under the amendment would be evaluated on a project-specific basis consistent with TRPA environmental review requirements (TRPA Code Chapter 3). This analysis would consider the project-specific effects on light and glare at the time that project characteristics are known. This analysis would review the proposed project for consistency with applicable standards and would consider unique project aspects, such as the location, height, and design of a proposed structure to determine if it would result in significant impacts related to light and glare. If necessary, the environmental review would require mitigation measures, such as revised lighting designs, to reduce significant impacts related to light and glare.

Because all existing lighting design standards and guidelines would remain in effect and all future projects would be evaluated considering the project-specific characteristics related to light and glare, the proposed Area Plan Amendment would have no impact on light and glare condition

b) Create new illumination which is more substantial than other lighting, if any, within the surrounding area?

No Impact. See discussion in Section 3.8.1(a), above.

c) Cause light from exterior sources to be cast off-site or onto public lands?

No Impact. See discussion in Section 3.8.1(a), above.

d) Create new sources of glare through the siting of the improvements or through the use of reflective materials?

No Impact. See discussion in Section 3.8.1(a), above.

3.9 LAND USE

ENVIRONMENTAL ISSUES	Yes	No, With Mitigation	No	Data Insufficient
VIII. Land Use.				
Will the proposal:				
a) Include uses which are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan, or Master Plan?	☐	☐	☒	☐
b) Expand or intensify an existing non-conforming use?	☐	☐	☒	☐

3.9.1 Discussion

a) Include uses which are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan, or Master Plan?

Less than significant. The proposed Area Plan Amendment would revise the existing Area Plan such that religious assembly uses would be allowed without a special use permit. All the other goals, policies, and standards in the existing Area Plan would be maintained for the plan area. The amendment would also maintain the existing boundaries of Town Centers designated in the Regional Plan. The proposed Area Plan Amendment carries forward all permissible use definitions consistent with TRPA Code Chapter 21. Additionally, the proposed Area Plan Amendment carries forward all existing permissible uses within the current Area Plan, with the only change being religious assembly uses would no longer be considered a special use. Impacts would be less than significant.

b) Expand or intensify an existing non-conforming use?

No Impact. The proposed Area Plan Amendment would make one permissible use change by removing the requirement for a special use permit for religious assembly uses within the Mixed-Use portion of the plan area. Because religious assembly uses are already allowed with a special use permit, the change would not affect nonconforming uses.

3.10 NATURAL RESOURCES

ENVIRONMENTAL ISSUES	Yes	No, With Mitigation	No	Data Insufficient
IX. Natural Resources.				
Will the proposal result in:				
a) A substantial increase in the rate of use of any natural resources?	☐	☐	☒	☐
b) Substantial depletion of any non-renewable natural resource?	☐	☐	☒	☐

3.10.1 Discussion

a) A substantial increase in the rate of use of any natural resources?

No Impact. The proposed Area Plan Amendment would not increase the potential for growth in the plan area beyond that which could occur under the existing Area Plan. Therefore, potential effects on natural resources would be the same as those analyzed in the RPU EIS. The RPU EIS evaluated the effects of build-out of the entire Tahoe Region, including the plan area, on natural resources on page 5-3. As with existing conditions, the use of natural resources, such as construction wood or metals, or gasoline would increase incrementally as future projects are constructed under the amendment. The RPU EIS acknowledged the potential increase in the use of natural resources resulting from increased development and redevelopment within the Tahoe Region; however, projects implemented under the proposed Area Plan Amendment would be subject to subsequent project-level environmental review, permitting by TRPA and Douglas County, and site-specific mitigation measures if necessary (TRPA 2012a; 5-3). Because the proposed Area Plan Amendment would not result in an increase in the use of natural resources beyond the levels analyzed in the 2012 RPU EIS and future projects would be evaluated to ensure there are not substantial project-level increases in the rate of use of natural resources.

b) Substantial depletion of any non-renewable natural resource?

No Impact. The proposed Area Plan Amendment would not increase the potential for growth in the plan area beyond that which could occur under the existing Area Plan. Therefore, potential effects on natural resources would be the same as those analyzed in the RPU EIS. The RPU EIS evaluated the effects of build-out of the entire Tahoe Region, including the plan area, on natural resources on page 5-3. As with existing conditions, nonrenewable natural resources, such as gasoline and diesel, would be consumed during the construction and operation of future projects in the plan area. However, the potential for growth in the plan area would be limited through limitation on development rights, such as commercial floor area (CFA), residential units of use (RUUs), and tourist accommodation units (TAUs). The proposed Area Plan Amendment does not allow new uses that would require substantial amounts of non-renewable resources, such as heavy industrial or manufacturing uses. Furthermore, the existing Area Plan includes a GHG reduction strategy, which reduces the long-term use of non-renewable resources below the levels anticipated in the 2012 RPU EIS. As described above, future projects would be evaluated at a project-level to ensure they do not result in a substantial depletion of non-renewable resources. For these reasons, the proposed Area Plan Amendment would not result in substantial depletion of any non-renewable natural resource.

3.11 RISK OF UPSET

ENVIRONMENTAL ISSUES	Yes	No, With Mitigation	No	Data Insufficient
X. Risk of Upset.				
Will the proposal result in:				
a) Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions?	☐	☐	☒	☐
b) Involve possible interference with an emergency evacuation plan?	☐	☐	☒	☐

3.11.1 Discussion

a) Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions?

No impact. The Area Plan Amendment would not alter requirements related to hazardous substances, nor would it increase the potential for the use or transport of hazardous materials. Construction activities related to future projects implemented under the amended Area Plan could involve the storage, use, and transport of hazardous materials. However, use of hazardous materials would be of typical urban development projects in the Tahoe Region and would occur in compliance with all local, state, and federal regulations. Further, the types of uses that would be permissible within the area are not of the nature that would involve storage, use, and transport of large quantities of hazardous substances that would increase the risk of incident. The types of uses (e.g., commercial and light industrial) are consistent with the types of uses already allowed under existing conditions, such that implementation of the proposed Area Plan Amendment would not be expected to create a new risk of accident or upset conditions.

These effects were previously analyzed in the 2012 RPU EIS under "Transport and Use of Hazardous Materials," on page 5-1 (TRPA 2012a). This analysis found that because future projects would adhere to existing regulations, including various federal, state, and local regulations address the handling, transporting, and disposing of hazardous materials, and because there would be no proposed policies or changes to existing policies that would affect the transport or use of hazardous materials in the region, no impact would occur. Implementation of the proposed Area Plan Amendment would not include any provisions or changes that would alter such requirements or regulations for individual future projects. Therefore, impacts to risk of an explosion or the release of hazardous substances under the amendment would be the same as previously analyzed in the 2012 RPU EIS, and would be no impact.

b) Involve possible interference with an emergency evacuation plan?

No Impact. As described under Section 2.5, "Growth Potential," in Chapter 2, "Project Description," the proposed Area Plan Amendment would not make changes to the total number or distribution of residential allocations or other development rights (e.g., CFA, TAUs) included in the Regional Plan. As such, the potential growth that could occur within the plan area from the proposed Area Plan Amendment would not change from the potential growth allowed by the Regional Plan and would not be substantial throughout the plan area.

Most new development would be in the form of redevelopment, which would replace existing development with the new use allowed under the amendment. It is the intent of both the existing Area Plan and Regional Plan that redevelopment be concentrated in the Town Centers, with a focus on, among other things, support for a comprehensive transportation network that considers transit, pedestrian, and non-motorized transportation opportunities. Associated goals and policies of the existing Area Plan support development of land use patterns that

reduce private automobile use and development of transit and alternative transportation modes, which reduces automobile dependency and increases walkability, bikeability, and safety. The existing Area Plan also includes policies that direct the design of the transportation network throughout the plan area to provide safe and efficient access to residential areas, commercial services, public lands, and recreational opportunities and efficient connections within the Tahoe region.

Because the Area Plan Amendment would not increase development potential, it would not substantially increase congestion such that interference with emergency response or evacuation plans would occur. Because the potential development associated with the proposed Area Plan Amendment would be the same as what could occur with existing conditions, potential construction effects on emergency vehicle response time and evacuation would not change from what could occur under the development potential currently allowed by the existing Area Plan. However, future projects would be reviewed pursuant to TRPA environmental review requirements. This project-level review would evaluate the site-specific characteristics of each proposed project to determine if it would interfere with an emergency evacuation plan. If a future project would interfere with an emergency evacuation plan, then project-specific mitigation measures, such as a traffic control plan, or changes to project design or construction operations, would be required.

Because implementation of the Area Plan Amendment would only result in development previously assessed for the Area Plan, development would include efforts to reduce use of automobiles and increase travel connections in the plan area, and projects would be required to reduce potential construction-related traffic impacts, implementation of the Area Plan Amendment would not interfere with implementation of existing regulations or plans pertaining to emergency response or evacuation.

3.12 POPULATION

ENVIRONMENTAL ISSUES	Yes	No, With Mitigation	No	Data Insufficient
XIV. Population				
Will the proposal result in:				
a) Alter the location, distribution, density, or growth rate of the human population planned for the Region?	☐	☐	☒	☐
b) Include or result in the temporary or permanent displacement of residents?	☐	☐	☒	☐

3.12.1 Discussion

a) Alter the location, distribution, density, or growth rate of the human population planned for the Region?

No Impact. The existing Area Plan currently implements mixed-use zoning concepts envisioned by the Regional Plan and analyzed in the 2012 RPU EIS. The TRPA Regional Plan guides changes to the overall density and distribution of the region's population, gradually increasing the density of the population within Town Centers, such as Kingsbury Commercial, and simultaneously reducing density outside these centers. Although this represents a change in the density and distribution of the region's population, such changes are not anticipated to result in environmental degradation. The transition to higher-density, compact, transit-oriented development is anticipated to reduce environmental impacts associated with traffic (VMT), air quality, land disturbance, infrastructure expansion, and other environmental issue areas and to provide opportunities for stream environment restoration and improved water quality control facilities which would be beneficial (TRPA 2012a: 3.12-12). Growth within the plan area would continue to be limited to that which is allowed by the growth management system set forth in Chapter 50, "Allocation of Development," of the TRPA Code and redirected to more appropriate locations. Thus, there would be no impact.

b) Include or result in the temporary or permanent displacement of residents?

No Impact. See discussion in Section 3.12.1(a), above. The proposed Area Plan Amendment does not propose any specific projects that would result in the loss of very-low, lower-, or moderate-income housing or that would displace substantial numbers of people necessitating construction of replacement housing elsewhere. All future projects carried out under the amendment would be required to undergo project-level environmental review during which potential impacts on residences or businesses would be assessed and mitigated to the extent feasible. Future projects would be subject to TRPA requirements for in-kind replacement housing equal to the number of displaced or removed residential units for the loss of moderate-income housing (TRPA Code Section 39.2.3.B); consequently, there would be no net loss of housing.

3.13 HOUSING

ENVIRONMENTAL ISSUES	Yes	No, With Mitigation	No	Data Insufficient
XIV. Housing				
a) Affect existing housing, or create a demand for additional housing?				
To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:				
b) Will the proposal decrease the amount of housing in the Tahoe Region?	☐	☐	☒	☐
c) Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates affordable by lower and very-low-income households?	☐	☐	☒	☐

3.13.1 Discussion

a) Affect existing housing, or create a demand for additional housing?

To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following question:

b) Will the proposal decrease the amount of housing in the Tahoe Region?

No impact. The amount of housing in the Tahoe Region is limited by the number of available development rights and residential bonus units available through the TRPA growth management system described in Section 2.5, which would not be altered by the Area Plan Amendment.

c) Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates affordable by lower and very-low-income households?

No impact. The existing Area Plan implements Regional Plan strategies that allow for increased residential height and density within existing Town Centers (which can improve the feasibility of affordable housing projects) and encourage the replacement of single-family homes in outlying areas with multi-family units in Town Centers (which are typically less expensive than single-family homes). The 2012 RPU EIS evaluated the effects of the Regional Plan strategies implemented with the existing Area Plan and found that they have the potential to improve housing opportunities for lower income residents over the planning period of the Regional Plan (TRPA 2012a: 3.12-17). The Area Plan Amendment would not change or eliminate these strategies.

The proposed Area Plan Amendment would not prohibit residential uses in any location where they are currently allowed. Future projects carried out under the amendment would be subject to TRPA requirements for in-kind replacement housing equal to the number of displaced or removed residential units for the loss of low- or moderate-income housing (TRPA Code Section 39.2.3.B).

3.14 TRANSPORTATION/CIRCULATION

ENVIRONMENTAL ISSUES	Yes	No, With Mitigation	No	Data Insufficient
XIII. Transportation/Circulation. Will the proposal result in:				
a) Generation of 650 or more new average Daily Vehicle Miles Traveled (VMT)?	☐	☐	☒	☐
b) Changes to existing parking facilities, or demand for new parking?	☐	☐	☒	☐
c) Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?	☐	☐	☒	☐
d) Alterations to present patterns of circulation or movement of people and/or goods?	☐	☐	☒	☐
e) Alterations to waterborne, rail or air traffic?	☐	☐	☒	☐
f) Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?	☐	☐	☒	☐

3.14.1 Discussion

a) Generation of 650 or more new Daily Vehicle Miles Traveled (VMT)?

Less than significant. Impacts related to vehicle miles traveled (VMT) within the plan area are very similar to those analyzed in the 2012 RPU EIS (TRPA 2012a) and the Initial Study/Initial Environmental Checklist prepared for the 2020 RTP (TMPO and TRPA 2020), and therefore the analysis is tiered from and consistent with these documents. The Regional Plan and RTP seek to promote a more compact land use pattern with walkable and bikeable Town Centers and reduced development in outlying areas and sensitive lands. Primary objectives of the existing Area Plan are to implement the Regional Plan land use strategies, and to promote a comprehensive transportation network that is focused on transit, pedestrian, and non-motorized transportation opportunities consistent with the Regional Plan and RTP. Because the proposed Area Plan Amendment would not alter land use classifications or growth potential beyond those evaluated in the 2012 RPU EIS and 2020 RTP, the impacts of the proposed Area Plan would be consistent with those evaluated in the 2012 RPU EIS (TRPA 2012a pages 3.3-1 through 3.3-52) and the Initial Study/Initial Environmental Checklist prepared for the 2020 RTP (TMPO and TRPA 2020).

The 2012 RPU EIS evaluated the effects of build-out of all development authorized under the Regional Plan, including within the plan area, on roadway segment operations (TRPA 2012a pages 3.3-40 through 3.3-44). This analysis found that there would be no significant impacts to roadway operations within the plan area. The 2012 RPU EIS also evaluated effects on intersection operations (TRPA 2012a pages 3.3-44 through 3.3-46), which determined that build-out of the region would not result in significant impacts to intersection operations within the plan area. The 2012 RPU EIS concluded that there would be a significant impact on some roadway segment operations outside of the plan area. It included Regional Plan Mitigation Measure 3.3-1 to reduce the magnitude of impacts on LOS to a less-than-significant level. This measure was incorporated as part of the Regional Plan. It required that TRPA develop and implement a program for the phased release of land use allocations in 4-year cycles in conjunction with future updates of the Regional Plan and RTP, monitoring of LOS, and a suite of responsive measures, if monitoring indicates a decrease in LOS. The RPU EIS concluded that impacts on LOS were reduced to a less-than-significant level (TRPA 2012a: 3.3-44). This requirement of the Regional Plan Update EIS was incorporated into TRPA Code Section 50.4.3 and is being implemented.

The effects of complete build-out of the region on VMT were evaluated on pages 3.3-47 through 3.3-49 of the RPU EIS. This analysis found that while VMT per capita would decrease with the Regional Plan, the VMT threshold in place in 2012 could have been exceeded by the year 2035. To address this impact, the 2012 RPU EIS included a similar approach as described above, which required that TRPA develop and implement a program for the phased release of land use allocations followed by monitoring and forecasting of actual roadway traffic counts and VMT. Under this program, new CFA, TAUs, and residential allocations are only authorized for release by the TRPA Governing Board every 4 years, contingent upon demonstrating, through modeling and the use of actual traffic counts, that the VMT Threshold Standard will be maintained over the subsequent 4-year period. This Regional Plan program has been adopted and is being implemented (TRPA Code Section 50.4.3), and it would continue to apply to the plan area with adoption of the proposed Area Plan Amendment. Furthermore, after the 2012 RPU EIS, TRPA updated the VMT threshold. Rather than establishing a total VMT limit, the threshold now seeks to reduce the per capita VMT by 6.8 percent from 2018 levels by 2045. Because the RPU EIS found that the Regional Plan would reduce VMT per capita and the Area Plan is consistent with the Regional Plan, the Area Plan would contribute to reducing VMT per capita consistent with the current VMT threshold.

The proposed Area Plan Amendment would allow religious assembly uses by right within the Kingsbury Commercial Town Center District (i.e., T-MU/TC zoning district) where that use currently requires a discretionary special use permit. This change would remove one discretionary approval step for the authorization of a new religious assembly use, however the trip generation associated with a religious assembly use is similar to or less than other uses that are already allowed by right within the same area.

The standard trip generation rates provided in the ITE *Trip Generation, 11th Edition* manual (ITE Manual; Institute of Transportation Engineers 2021) provide a comparison of the relative trip generation of a religious assembly use and other uses already allowed by right in the affected portion of the Area Plan. Church is the ITE Manual category that most closely reflects religious assembly uses. Local assembly and entertainment uses are already allowed by right in the affected portion of the Area Plan. This use includes the movie theater and recreational community center uses designated in the ITE Manual. Table 3-1 provides a comparison of trip generation rates for these uses on weekdays and Sundays.

Table 3-1 Trip Generation for Existing and Proposed Uses

Use Category	Weekday Trip Generation[1]	Sunday Trip Generation[1]
Church (Religious Assembly)	7.60	31.46
Movie Theater (local assembly and entertainment)	78.09	81.93
Recreational Community Center (local assembly and entertainment)	28.82	13.60

[1] All trip generation is based on 1,000 square feet of gross floor area.

Source: Institute of Transportation Engineers 2017.

Given that the trip generation rates of the religious assembly uses are similar to or lower than that of the uses currently allowed by right, the proposed amendment would not be expected to increase traffic generation compared to the existing permissible uses. Furthermore, religious assembly uses could already be approved within the affected portion of the Area Plan with a special use permit. As a result, the amendment would not alter the types of trip generating uses that could be approved within the Area Plan.

The proposed amendment would not be expected to increase VMT in the plan area because, as described above, the amendment would not increase trip generation. In addition, there is no evidence to suggest that religious assembly uses would result in longer trip lengths than other similar uses that are already allowed by right in the affected portion of the plan area, particularly because religious assembly uses tend to serve local communities. Because the proposed amendment would not increase trip generation or result in longer trips than occur under current conditions, the amendment would not alter VMT within the plan area. Thus, the impact would be less than significant.

b) Changes to existing parking facilities, or demand for new parking?

Less than significant. The proposed Area Plan Amendment would carry forward existing parking standards in the Area Plan for the plan area with no change. Each future project would continue to be reviewed for consistency with those parking standards and would be reviewed through a project-specific environmental review (TRPA Code Chapter 3) to ensure the proposed project would not significantly degrade parking conditions.

As described in Chapter 2, "Project Description," the proposed Area Plan Amendment would only amend the zoning requirements of the Area Plan's Mixed-Use zoning district (T-MU) in the TRPA-designated Kingsbury Commercial Town Center such that religious assembly uses would be allowable by right, rather than requiring a discretionary special use permit approval by Douglas County. All aspects of the Regional Plan, Area Plan, and TRPA Code not specifically affected by the Area Plan Amendment would continue to apply throughout the plan area.

The plan area is a mixed-use area intended to provide a mix of commercial, public services, light industrial, office, and residential uses and is targeted for redevelopment in a manner that improves environmental conditions, creates a more sustainable and less auto-dependent development pattern, and provides economic opportunities (SSAP 2013). Parking standards and requirements within the Tahoe Area Plan Regulations (Chapter 20.703) of the Douglas County Development Code and the South Shore Design Standards and Guidelines (September 2013 and as amended) apply to the Area Plan. As detailed in Section 20.692.010 of the Douglas County Development Code, religious assembly uses (i.e., churches) are required to provide one off-street parking and loading space per 30 sq. ft. of worship area, plus parking for accessory uses. Indoor theaters (included in the amusements and recreation services land use category) are currently allowed by right within the Area Plan and have a similar minimum parking requirement to that of churches (See table 3-2.). Therefore, because religious assembly uses would require a similar number of off-street parking spaces to that of a current land use permitted by right, it is not anticipated that a greater effect to parking associated with implementation of the Area Plan Amendment would occur.

Table 3-2 Trip Generation for Existing and Proposed Uses

Use Category	
Religious Assembly	1 parking space per 30 sq ft
Indoor Theater (local assembly and entertainment)	1 parking space per 35 sq ft

Additionally, it should be noted that religious assembly uses present an opportunity for shared use parking agreements among different buildings and facilities in an area to take advantage of different peak parking periods. For example, an office complex can efficiently share parking facilities with a religious assembly use, since offices require maximum parking during weekdays, while religious assembly uses require maximum parking during weekends. Therefore, the implementation of joint use parking facilities for any future religious assembly uses would reduce or relax minimum parking standards detailed within the Douglas County Development Code and the South Shore Design Standards and Guidelines. Similar shared parking agreements are already in place within the Kingsbury Commercial Town Center District.

Any future facilities would be evaluated at the time the characteristics of those facilities are known to determine their effects on parking and ensure they do not result in significant impacts. The proposed Area Plan Amendment would have a less-than-significant impact on parking because it would not change parking standards, would have a similar parking requirement to other land uses currently allowed by right under the Area Plan, and would continue to require project-level review of the parking impacts of future project.

c) Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?

No Impact. As described above in Section 3.14.1(a), the proposed Area Plan Amendment would not be expected to increase traffic generation compared to that which could occur under the existing Area Plan. Nor would the proposed amendment alter any requirements related to transportation facilities. For these reasons, the proposed Area Plan would not degrade existing transportation system.

d) Alterations to present patterns of circulation or movement of people and/or goods?

No Impact. As described above in Section 3.14.1(a), the proposed Area Plan Amendment would not be expected to increase traffic generation compared to that which could occur under the existing Area Plan. Nor would the proposed amendment alter any requirements related to transportation facilities. For these reasons, the proposed Area Plan would not alter patterns of circulation.

e) Alterations to waterborne, rail or air traffic?

No Impact. The proposed Area Plan Amendment does not involve any alterations to waterborne, rail, or air traffic. There are no railways or airports located in the plan area. The proposed Area Plan does not approve waterborne transit and any future waterborne transit would be subject to a project-level planning, design, and environmental review process. Thus, there would be no impact to waterborne, rail, or air traffic.

f) Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

No Impact. The proposed Area Plan Amendment does not include or approve specific transportation elements that inherently would increase the potential for hazard. Any individual projects would be subject to all applicable federal, state, and local design standards. As described above in Section 3.14.1(a), the proposed Area Plan Amendment would not be expected to increase traffic generation compared to that which could occur under the existing Area Plan. For these reasons, the Area Plan Amendment would have no impact related to traffic hazards.

3.15 PUBLIC SERVICES

ENVIRONMENTAL ISSUES	Yes	No, With Mitigation	No	Data Insufficient
XIV. Public Services.				
Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas:				
a) Fire protection?	☐	☐	☒	☐
b) Police protection?	☐	☐	☒	☐
c) Schools?	☐	☐	☒	☐
d) Parks or other recreational facilities?	☐	☐	☒	☐
e) Maintenance of public facilities, including roads?	☐	☐	☒	☐
f) Other governmental services?	☐	☐	☒	☐

3.15.1 Discussion

Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas:

a) Fire protection?

No Impact. As described under Section 2.5, "Growth Potential," in Chapter 2, "Project Description," implementation of the proposed Area Plan Amendment would not make changes to the total number of residential allocations or other development rights (e.g., CFA, TAUs) that would exceed the potential growth of what was analyzed in the 2012 RPU EIS. The long-term growth under the proposed Area Plan Amendment would be relatively small and would be no different than without the amendment. The potential effects on fire protection from additional development and population growth under the Regional Plan were analyzed under Impact 3.13-5 on pages 3.13-21 through 3.13-22 of the 2012 RPU EIS (TRPA 2012a). This analysis found that any new construction could result in population increases that, depending upon location, could require improved or expanded facilities for fire protection, the construction of which could result in adverse environmental effects. However, individual projects would be required to undergo environmental review to ensure that impacts are identified and mitigated.

b) Police protection?

No Impact. See discussion in Section 3.15.1(a), above. The potential effects on police protection from additional development and population growth under the Regional Plan were analyzed under Impact 3.13-5 on pages 3.13-21 through 3.13-22 of the 2012 RPU EIS (TRPA 2012a). This analysis found that any new construction could result in population increases that, depending upon location, could require improved or expanded facilities for police protection, the construction of which could result in adverse environmental effects. However, individual projects would be required to undergo environmental review to ensure that impacts are identified and mitigated.

The limited potential growth that could occur within the plan area from the proposed Area Plan Amendment would not be changed from the potential growth allowed under the existing Area Plan. Therefore, there would be no increase in demand for police protection.

c) Schools?

No Impact. See discussion in Section 3.15.1(a), above. The potential effects on school services from additional development and population growth under the Regional Plan were analyzed under Impact 3.13-5 on pages 3.13-21 through 3.13-22 of the 2012 RPU EIS (TRPA 2012a). This analysis found that any new construction could result in

population increases that, depending upon location, could require improved or expanded facilities for school services and any associated construction activities could result in adverse environmental effects. However, individual projects would be required to undergo environmental review to ensure that impacts are identified and mitigated.

The limited potential growth that could occur within the plan area from the proposed Area Plan Amendment would not be changed from the potential growth allowed by the existing Area Plan. Therefore, there would be no change in demand for schools.

d) Parks or other recreational facilities?

No Impact. See discussion in Section 3.15.1(a), above. The potential effects on parks or other recreational facilities from additional development and population growth under the Regional Plan were analyzed under Impact 3.11-1 on pages 3.11-16 through 3.11-20 of the 2012 RPU EIS (TRPA 2012a). This analysis found that the increase in residents and visitors associated with the Regional Plan could be accommodated by existing facilities in the Tahoe region, or with expanded facilities and new facilities that are developed consistent with the Recreation and Land Use Elements of the Regional Plan. Analysis of projects against the threshold standards would minimize any project-related adverse environmental effects associated with increased demand for or use of recreation facilities attributed to an increase in population. Additionally, the goals and policies would ensure that demand for recreation facilities and opportunities in the Region are met. Ongoing improvements through various entities (i.e., USDA Forest Service, Nevada State Parks (State Parks), and private property owners) and programs (such as the Environmental Improvement Program [EIP]) and persons-at-one-time (PAOT) allocations, as needed, by TRPA would continue to expand and maintain these opportunities and ensure that capacity is available.

Under the amendment, the existing Area Plan would continue to expand and diversify recreational opportunities in the plan area through implementation of associated goals and policies. The potential growth that could occur within the plan area under the amended Area Plan would not be changed from the potential growth allowed under the existing Area Plan. Therefore, there would be no increase in demand for parks and recreational facilities.

e) Maintenance of public facilities, including roads?

No Impact. The existing Area Plan includes associated goals and actions to provide funding and financing to support long-term maintenance of both existing and proposed facilities under the Area Plan. Priority is given to funding certain improvements, including active transportation projects and EIP projects and other infrastructure intended to attain environmental thresholds. The anticipated under the Area Plan Amendment would be relatively small and would be the same as the growth that could occur under the existing Area Plan. Because there is no change in the growth that would occur with the proposed Area Plan Amendment, it would not have an unplanned effect upon maintenance of public facilities, including roads.

f) Other governmental facilities?

No Impact. The plan area includes several governmental facilities including the TRPA office, Douglas County administrative and sheriff offices, Kahle Community Center, and a post office. The growth anticipated for the proposed Area Plan Amendment would be relatively small and would be the same as the growth that could occur under the existing Area Plan. Because the amendment would not increase growth potential, it would not have an unplanned effect upon other governmental facilities.

3.16 ENERGY

ENVIRONMENTAL ISSUES	Yes	No, With Mitigation	No	Data Insufficient
VI. Energy.				
Will the proposal result in:				
a) Use of substantial amounts of fuel or energy?	☐	☐	☒	☐
b) Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?	☐	☐	☒	☐

3.16.1 Discussion

a) Use of substantial amounts of fuel or energy?

No Impact. The proposed Area Plan Amendment would not increase the potential for growth in the plan area beyond that which could occur under the existing Area Plan. Therefore, potential effects on the use of energy or fuel would not change and would be the same as those analyzed in the RPU EIS. The RPU EIS evaluated the effects of build-out of the entire Tahoe Region, including the plan area, on energy and fuel on page 5-3 and in support of the GHG and air quality analysis (TRPA 2012a: Appendix F). As with existing conditions, energy and fuel would be consumed during the construction and operation of future projects in the plan area. However, the potential for growth in the plan area would be limited through limitation on development rights, such as CFA, RUUs, and TAUs. The proposed Area Plan Amendment does not allow new uses that would require substantial amounts of energy or fuel, such as heavy industrial or manufacturing uses. While any new construction would require electric and natural gas service as part of the basic services (see TRPA Code Chapter 32, "Basic Services") the entire area within the plan area is located in proximity to existing electric and gas infrastructure. Future projects requiring new or modified connections would be subject to the requirements and fees of the applicable utility providers. The utility providers in the area projected that based on their forecasting and recent growth trends, available capacity would far exceed the demand generated at build-out of the Regional Plan (TRPA 2012a, page 3.13-20). Furthermore, the existing Area Plan includes a GHG reduction strategy which is anticipated to reduce the long-term use of energy and fuel below the levels anticipated in the 2012 RPU EIS. As described in Section 3.14.1(a), the proposed Area Plan Amendment would not increase VMT beyond the level analyzed in the 2012 RPU EIS, thus the use of fuel and energy for transportation would be consistent with the analysis in the 2012 RPU EIS. In addition, future projects carried out under the amendment would be evaluated at a project-level to determine if the project would use substantial amounts of fuel or energy, and mitigation measures would be required if necessary, as a condition of approval. For these reasons, the proposed Area Plan Amendment would not result in the substantial use of fuel or energy.

b) Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?

No Impact. See discussion in Section 3.16.1(a), above, that concludes that the available capacity for energy supply would far exceed the demand generated at build-out of the TRPA Regional Plan. Therefore, demand created by implementation of the proposed Area Plan Amendment would not exceed available capacity, or require the development of new sources of energy.

3.17 UTILITIES

ENVIRONMENTAL ISSUES	Yes	No, With Mitigation	No	Data Insufficient
XVI. Utilities.				
Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:				
a) Power or natural gas?	☐	☐	☒	☐
b) Communication systems?	☐	☐	☒	☐
c) Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?	☐	☐	☒	☐
d) Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?	☐	☐	☒	☐
e) Storm water drainage?	☐	☐	☒	☐
f) Solid waste and disposal?	☐	☐	☒	☐

3.17.1 Discussion

a) Power or natural gas?

No Impact. As described under Section 2.5, "Growth Potential", in Chapter 2, "Project Description", implementation of the proposed Area Plan Amendment would not change to the total number of available residential allocations or other development rights (e.g., CFA, TAUs). Thus, growth would be consistent with the level of development analyzed in the 2012 RPU EIS. The potential effects on power and natural gas from additional development and population growth under the Regional Plan were analyzed under Impact 3.13-4 on pages 3.13-20 through 3.13-21 of the 2012 RPU EIS (TRPA 2012a). As described in the 2012 RPU EIS, NV Energy projects that, based on their forecasting and recent growth trends in the Region, their existing capacity will substantially exceed the future demand that could be generated by potential development and re-development authorized by the Regional Plan. Because the proposed Area Plan Amendment would not authorize or result in growth that would exceed that which could occur under existing conditions, there would be no impact.

b) Communication systems?

No Impact. Multiple telecommunication providers offer services within the plan area. The long-term growth under the proposed Area Plan Amendment would be relatively small, and would be the same as could occur under existing conditions. Thus, it would be unlikely to exceed the capacity of existing service providers.

c) Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?

No Impact. The Nevada side of the Tahoe Region has an allocation of 11,000-acre feet per year (afy) from Lake Tahoe and tributary surface waters, of which the Kingsbury General Improvement District (KGID) is allocated 3,456.74 afy. KGID exercises approximately 75 percent of its water rights in any given year. As described above, the long-term growth under the proposed Area Plan Amendment would be relatively small and consistent with existing growth potential. Because the KGID currently has excess water supply capacity and the future growth in the plan area would be limited, the proposed Area Plan Amendment would not exceed the maximum permitted capacity of the service

provider. Additionally, future projects in the plan area would be required under TRPA Code Section 32.4 to demonstrate sufficient supply, treatment capacity (as applicable), and conveyance capacity for clean water by the water purveyor.

d) Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?

No Impact. The plan area is serviced by a community sewer system that is owned and operated by KGID. The community sewer system was designed and built such that it could be expanded to accommodate the communities at full build-out. Because the proposed Area Plan Amendment would not increase the growth potential within the plan area beyond what could already occur under the existing Area Plan, it would not exceed the capacity of the sewage treatment provider. Additionally, future projects in the plan area would continue to be required under the TRPA Code Section 32.4 to demonstrate sufficient conveyance and treatment capacity for wastewater.

e) Storm water drainage?

No Impact. See the discussion in Section 3.4.1(b), which describes how the amended Area Plan would not increase demand and would continue to require and incorporate necessary stormwater drainage infrastructure.

f) Solid waste and disposal?

No Impact. Solid waste is disposed of at the Lockwood Regional Landfill. As permitted, the remaining life of the landfill is 150 years (Anderson, pers. comm, 2015). Because the long-term growth under the proposed Area Plan Amendment would be relatively small and growth potential would be the same as under existing conditions, it would not exceed the permitted capacity for solid waste disposal.

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3.18 HUMAN HEALTH

ENVIRONMENTAL ISSUES	Yes	No, With Mitigation	No	Data Insufficient
XVII. Human Health.				
Will the proposal result in:				
a) Creation of any health hazard or potential health hazard (excluding mental health)?	☐	☐	☒	☐
b) Exposure of people to potential health hazards?	☐	☐	☒	☐

3.18.1 Discussion

a) Creation of any health hazard or potential health hazard (excluding mental health)?

No Impact. See discussion in Section 3.11.1(a), Risk of Upset, which addresses the potential for the proposed Area Plan Amendment to result in release of hazardous substances to the environment. The proposed Area Plan Amendment does not propose policies or changes to existing policies that would affect the transport or use of hazardous materials in the region.

Infrastructure, restoration, or landscape projects could be implemented under the proposed Area Plan Amendment that would have the potential to create conditions conducive to breeding mosquitoes, which are potential vectors for diseases. However, these risks would be the same as under existing conditions. Health hazards from vector-borne diseases are evaluated in the 2012 RPU EIS in Impact 3.14-3 on pages 3.14-15 through 3.14-16 (TRPA 2012a). This analysis found that by maintaining regulations that allow for fogging and spraying to reduce adult mosquito populations, effects on public health associated with mosquito-borne illnesses would be less than significant.

As with existing conditions, implementation of the proposed Area Plan Amendment could result in new development and redevelopment in the plan area that could increase the number of residents and visitors in the plan area. Hazards such as wildfire, flooding, seismic hazards (e.g., earthquakes, avalanches, and seiches), and landslides have the potential to occur in the plan area, there would be no increase in exposure of people to these hazards.

Effects related to wildfire hazards were previously analyzed in the 2012 RPU EIS under Impact 3.14-1 on pages 3.14-11 through 3.14-13 (TRPA 2012a). This analysis found that because future projects would be required to be consistent with Regional Plan requirements for fire safety as well as other applicable federal, state, regional, and local fire safety plans, and because future projects would be required to consider the fire hazards in the region and include measures to ensure that defensible space is maintained and excessive fuel is reduced, the effect would be less than significant. Effects related to flood hazards were previously analyzed in the 2012 RPU EIS in Impact 3.14-2 on pages 3.14-13 through 3.14-14 (TRPA 2012a). This analysis found that because the Regional Plan (Policy NH-1.2) does not allow for development activities that would result in new flooding issues or allow for the exacerbation of existing flooding issues that would expose occupants and/or structures to flood hazards, the effect would be less than significant. Flooding issues are also addressed in Section 3.4.1(b) and (c). Effects related to seismic hazards, such as landslides, earthquakes, avalanches, and seiches, were previously analyzed under Impact 3.7-3 on pages 3.7-48 through 3.7-51 of the 2012 RPU EIS (TRPA 2012a). This analysis found that because construction projects in the Tahoe region must meet multiple requirements and regulations of TRPA, federal, state, and local agencies and development would be required to undergo site-specific geotechnical analysis (TRPA Code Section 33.4), and, if applicable, employ design standards that consider seismically active areas and comply with current building codes and local jurisdiction seismic standards, impacts related to seismic hazards would be less than significant.

For the reasons described herein, the proposed Area Plan Amendment would not create any health hazards.

b) Exposure of people to potential health hazards?

No Impact. See discussion under item 3.17.1(a), above, which concludes that the proposed Area Plan Amendment would not result in exposure of people to potential health hazards.

3.19 SCENIC RESOURCES/COMMUNITY DESIGN

ENVIRONMENTAL ISSUES	Yes	No, With Mitigation	No	Data Insufficient
XVIII. Scenic Resources/Community Design.				
Will the proposal:				
a) Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?	☒	☐	☐	☐
b) Be visible from any public recreation area or TRPA designated bicycle trail?	☒	☐	☐	☐
c) Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?	☐	☐	☒	☐
d) Be inconsistent with the height and design standards required by the applicable ordinance, Community Plan or Area Plan?	☐	☐	☒	☐
e) Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?	☐	☐	☒	☐

3.19.1 Discussion

a) Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?

Less than significant. The plan area includes areas that are visible from TRPA-designated scenic travel units along US 50 (a federal highway), SR 207 (a state highway), and Lake Tahoe. The Area Plan Amendment would not alter requirements related to scenic resource protection. Religious assembly uses would no longer require a discretionary special use permit, but construction or substantial exterior modification of structures would still be subject to scenic review standards that are applied on a project-specific basis (TRPA Code Section 66.1). 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 existing 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 existing 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 existing Area Plan Design Standards and Guidelines are designed to guide development that would reflect the character of the area, protect viewsheds, and substantially improve the appearance of redevelopment projects.

All projects would continue to comply with TRPA Code provisions and the Area Plan Design Standards and Guidelines, which would result in generally improved scenic conditions in the plan area.

b) Be visible from any public recreation area or TRPA designated bicycle trail?

Less than significant. See discussion in Section 3.19.1(a), above. Future projects within the plan area could be visible from public recreation facilities or TRPA designated bicycle trails. However, for the same reasons described above, they would not result in significant impacts to scenic resource.

c) Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?

No impact. The plan area composes a portion of the scenic vistas visible from US 50, SR 207, and other public roads and public areas. The proposed amendment would not authorize new structures or modify existing scenic resource protection requirements.

d) Be inconsistent with the height and design standards required by the applicable ordinance or Community Plan?

No impact. As described above, the existing Area Plan implements height and design standards are consistent with the Regional Plan. The amended Area Plan would continue to implement these same standards.

e) Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?

No impact. As described above, the existing Area Plan includes goals, policies, and implementation actions that are consistent with and implement the SQIP. The amended Area Plan would continue to be consistent with and implement the SQIP.

3.20 RECREATION

ENVIRONMENTAL ISSUES	Yes	No, With Mitigation	No	Data Insufficient
XIX. Recreation.				
Does the proposal:				
a) Create additional demand for recreation facilities?	☐	☐	☒	☐
b) Create additional recreation capacity?	☐	☐	☒	☐
c) Have the potential to create conflicts between recreation uses, either existing or proposed?	☐	☐	☒	☐
d) Result in a decrease or loss of public access to any lake, waterway, or public lands?	☐	☐	☒	☐

3.20.1 Discussion

a) Create additional demand for recreation facilities?

No Impact. As described in Section 2.5, "Growth Potential," in Chapter 2, "Project Description," the proposed Area Plan Amendment would not increase the potential for growth within the plan area beyond that which could already occur with the existing Area Plan. As such, the demand for recreation facilities would not be affected.

The proposed Area Plan Amendment does not authorize or approve any development, redevelopment, or recreation facility projects. Nor would it make any changes to the existing TRPA system of PAOTs, which regulates capacity for certain recreation facilities. As with existing conditions, future projects within the plan area would continue to be reviewed through a project-level environmental review (TRPA Code Chapter 3), which would assess whether the project would increase demand for recreation facilities and/or provide additional recreational capacity. If applicable, mitigation measures would be required to address significant project-level effects on recreation demand or capacity.

b) Create additional recreation capacity?

No Impact. See the discussion in Section 3.20.1(a), above, which describes how the existing Area Plan balances recreation demand and capacity. The proposed Area Plan Amendment itself would have no effect and therefore no impact on recreation capacity.

c) Have the potential to create conflicts between recreation uses, either existing or proposed?

Less than significant. The proposed Area Plan Amendment does not alter regulations related to recreation or approve changes to existing recreation facilities that could create conflicts between existing recreation uses. The proposed amendment would allow religious assembly uses to occur without a discretionary special use permit. While recreation activities could be accessory to a primary religious assembly use, these recreation activities would be no more likely to create user conflicts than other uses that are already allowed by right in the Mixed-Use portion of the plan area (e.g., social service organizations, membership organizations, local assembly and entertainment, and cultural facilities).

In addition, the existing Area Plan is consistent with applicable plans that guide existing and proposed recreation uses, which would be unchanged. Other future projects within the plan area would be evaluated through a project-level environmental review (TRPA Code Chapter 3), which would evaluate the potential for specific future projects to create conflicts between existing or planned recreation uses. If necessary, the project-level environmental review would identify mitigation measures to avoid or reduce potential conflicts.

For the reasons described above, the proposed Area Plan Amendment would not create substantial conflicts between existing or proposed recreation uses.

d) Result in a decrease or loss of public access to any lake, waterway, or public lands?

No Impact. See discussion in Sections 3.20.1(a) and (c), above. The proposed Area Plan Amendment would not rezone public lands or change any existing requirements for public access to any lake, waterway, or public lands. Therefore, the proposed Area Plan Amendment would not result in a decrease or loss of public access to any lake, waterway, or public land.

3.21 ARCHAEOLOGICAL/HISTORICAL

ENVIRONMENTAL ISSUES	Yes	No, With Mitigation	No	Data Insufficient
XX. Archaeological/Historical.				
Will the proposal result in:				
a) An alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building?	☐	☐	☒	☐
b) Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records?	☐	☐	☒	☐
c) Is the property associated with any historically significant events and/or sites or persons?	☐	☐	☒	☐
d) Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?	☐	☐	☒	☐
e) Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?	☐	☐	☒	☐

3.21.1 Discussion

a) Will the proposal result in an alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object, or building?

No Impact. The proposed amendment would not alter any requirements related to the protection of archeological or historic sites, structures, objects, or buildings. This effect of the amended Area Plan on these resources would be the same as those analyzed in the 2012 RPU EIS. The 2012 RPU EIS evaluated the effects on historic resources from build-out of the entire Tahoe Region, including the plan area, consistent with the Regional Plan in Impact 3.15-1 on pages 3.15-13 through 3.15-15 (TRPA 2012a). This analysis determined that future projects could occur on properties that contain known historical resources, be associated with historically significant events or individuals, or result in adverse physical or aesthetic effects to a significant historical site, structure, object, or building. However, federal and state, regulations and TRPA Code are in place to address protection of these resources.

The applicable TRPA protections include TRPA Code Section 33.3.7, requires cessation of grading and consultation with government agencies whenever historical, pre-historical, or paleontological materials appearing to be 50 years or older are discovered during grading activity. TRPA Code Chapter 67 includes standards which require evaluation by a qualified archaeologist of any potential archaeological, cultural, or historical resources discovered during project construction (TRPA Code Section 67.3.1). TRPA also requires that projects in areas with known or newly discovered sites of cultural or historic significance include a site survey (performed by a qualified archaeologist) before TRPA approval (TRPA Code Section 67.3.2). This standard also requires consultation with relevant Native American tribes on all site surveys to determine if tribally significant sites are present. If resources are discovered and deemed significant, then a resource protection plan is required. Such a plan shall be prepared by a qualified professional and may provide for surface or subsurface recovery of data and artifacts and recordation of structural and other data (TRPA Code Section 67.3.3). Additionally, grading, operation of equipment, or other soil disturbance is prohibited in areas where a designated historic resource is present, or could be damaged, except in accordance with a TRPA-approved resource protection plan (TRPA Code Section 67.3.4). Finally, upon discovery of a previously unknown site, object,

district, structure or other resource, potentially meeting criteria designating it as a historic resource (as outlined in TRPA Code Section 67.6) TRPA shall consult with the applicable state historic preservation officer (SHPO), and with the relevant Native American tribe if it is a tribal site. In addition, Native American tribes are permanent members of the TRPA Advisory Planning Commission (APC), where tribal representatives have the opportunities to review all projects that come before the APC. These protections would continue to apply with the amended Area Plan.

The proposed Area Plan Amendment would also not alter existing state and federal protections for historic or cultural resources. The Nevada SHPO reviews projects for potential impacts to historic properties. The Nevada SHPO keeps an inventory of the state's cultural resources to assist federal, state, and local agencies in planning projects so as to avoid impacts to important cultural resources; the agency also acts as a clearinghouse for nominations of sites and features to the NRHP. Additionally, the Nevada SHPO plays an advisory role to TRPA during project review of structures 50 years old or older. At the federal level, Section 106 of the National Historic Preservation Act guides cultural resources investigations by federal agencies and requires considerations of effects on properties that are listed in, or may be eligible for listing in, the NRHP.

All future projects within the plan area would be evaluated through a project-level environmental review (TRPA Code Chapter 3), which would evaluate the potential for specific future projects to degrade historic, archeological, or cultural resources. If necessary, the project-level environmental review would identify mitigation measures to avoid or reduce potential conflicts.

For the reasons described above, the proposed Area Plan Amendment would not alter existing cultural resource protections, which are sufficient to protect resources (TRPA 2012a: 3.15-14).

b) Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records?

Less than significant. See discussion in Section 3.21.1(a), above. While future religious assembly uses could be proposed at a location containing significant cultural resources, existing protections would ensure the impact would be less than significant.

c) Is the property associated with any historically significant events and/or sites or persons?

Less than significant. See discussion in Sections 3.21.1(a) and (b), above. For the same reasons described above, this impact would be less than significant.

d) Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?

Less than significant. See discussion in Sections 3.21.1(a) and (b), above. For the same reasons described above, this impact would be less than significant.

e) Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?

Less than significant. See discussion in Sections 3.21.1(a) and (b), above. For the same reasons described above, this impact would be less than significant.

3.22 FINDINGS OF SIGNIFICANCE

	ENVIRONMENTAL ISSUES	Yes	No, With Mitigation	No	Data Insufficient
XXI.	Findings of Significance.				
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?	☐	☐	☒	☐
b)	Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)	☐	☐	☒	☐
c)	Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?)	☐	☐	☒	☐
d)	Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?	☐	☐	☒	☐

3.22.1 Discussion

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?

Less than significant. See the discussion in Sections 3.2 through 3.21, above, including the discussions related to vegetation, wildlife, and historic resources in sections 3.5, 3.6, and 3.21, respectively. For the reasons described in those sections, this impact would be less than significant.

b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)

Less than significant. The proposed Area Plan Amendment would not alter policies or requirements that balance short-term and long-term environmental goals. This potential effect is the same as those analyzed in the 2012 RPU EIS, and therefore this analysis tiers from and is consistent with the 2012 RPU EIS. The 2012 RPU EIS evaluated the relationship between short-term uses of the environment and the maintenance of long-term productivity on pages 5-3 through 5-5 (TRPA 2012a). This analysis found that the long-term implementation of the Regional Plan would result in future development and population growth that would have associated impacts to biological resources; traffic and circulation; air quality and climate change; noise; water quality; and public services and utilities. However, through redevelopment in urban areas and transfer of coverage and development rights from sensitive lands, the Regional Plan would refine the land use pattern of the Region in a manner intended to sustain natural resources and support social and economic health. Because the proposed Area Plan Amendment would implement the Regional Plan and would not increase the potential for future growth beyond the levels anticipated in the Regional Plan, the proposed Area Plan Amendment would be consistent with the analysis on pages 5-3 through 5-5 of the 2012 RPU EIS (TRPA 2012a).

c) Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?)

Less than significant. This potential effect is the same as those analyzed in the 2012 RPU EIS, and therefore this analysis tiers from and is consistent with the 2012 RPU EIS. The 2012 RPU EIS evaluated the cumulative impacts of long-term implementation of the Regional Plan on pages 4-1 through 4-36 (TRPA 2012a). Because the proposed Area Plan Amendment would implement the Regional Plan and would not increase the potential for future growth beyond the levels anticipated in the Regional Plan, the proposed Area Plan Amendment would be consistent with the cumulative analysis in the 2012 RPU EIs.

d) Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?

No Impact. See the discussion in Sections 3.2 through 3.21, above, including the discussions related to risk of upset and human health in Sections 3.11 and 3.18, respectively. For the reasons described in those sections, this impact would be less than significant.

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Attachment F

Conformity Checklist

Tahoe Regional Planning Agency
Area Plan Finding of Conformity Checklist

Area Plan Information

Area Plan Name:	South Shore Area Plan Amendment (Religious Assemblies Permitted Use Amendment)
Lead Agency:	Douglas County
Submitted to TRPA:	November 9, 2022
TRPA File No:	N/A

Conformity Review

Review Stage:	Final Review
Conformity Review Date:	November 14, 2022
TRPA Reviewer:	Jacob Stock

Hearing Dates

Lead Agency Approval:	September 1, 2022
APC:	January 11, 2023
RPIC:	December 14, 2022 (information item); January 25, 2023 (hearing)
Governing Board:	February 22, 2023
Appeal Deadline:	N/A
MOU Approval Deadline:	N/A

Characteristics

Geographic Area and Description:	South Shore Area Plan
Land Use Classifications:	High-Density Tourist District, Lower Kingsbury Mixed Use/Town Center
Area Plan Amendment Summary:	The proposed amendment affects the South Shore Area Plan, 20.703.090 South Shore Area Plan permitted, development permitted, and special use permitted uses (Table), as follows:

- Amend 20.703.090.080 Public Service uses to allow religious assembly as a permitted use by right in the High-Density Tourist District and Lower Kingsbury Mixed Use/Town Center Town Center. Currently, religious assemblies require a Special Use Permit from TRPA and Douglas County.

Conformity Checklist

		TRPA Code Section	Conformity YES	NO	N/A
A.	**Contents of Area Plans**				
1	General	13.5.1	●		
2	Relationship to Other Code Sections	13.5.2	●		
B.	**Development and Community Design Standards**				
	Building Height				
1	Outside of Centers	13.5.3			●
2	Within Town Centers	13.5.3	●		
3	Within the Regional Center	13.5.3			●
4	Within the High-Density Tourist District	13.5.3	●		
	Density				
5	Single-Family Dwellings	13.5.3			●
6	Multiple-Family Dwellings outside of Centers	13.5.3			●
7	Multiple-Family Dwellings within Centers	13.5.3			●
8	Tourist Accommodations	13.5.3			●
	Land Coverage				
9	Land Coverage	13.5.3			●
10	Alternative Comprehensive Coverage Management	13.5.3.B.1			●
	Site Design				
11	Site Design Standards	13.5.3			●
	Complete Streets				
12	Complete Streets	13.5.3			●
C.	**Alternative Development Standards and Guidelines Authorized in an Area Plan**				
1	Alternative Comprehensive Coverage Management System	13.5.3.B.1			●
2	Alternative Parking Strategies	13.5.3.B.2			●
3	Areawide Water Quality Treatments and Funding Mechanisms	13.5.3.B.3			●
4	Alternative Transfer Ratios for Development Rights	13.5.3.B.4			●

		TRPA Code Section	Conformity YES	NO	N/A
D.	**Development Standards and Guidelines Encouraged in Area Plans**				
1	Urban Bear Strategy	13.5.3.C.1			●
2	Urban Forestry	13.5.3.C.2			●
E.	**Development on Resort Recreation Parcels**				
1	Development on Resort Recreation Parcels	13.5.3.D			●
F.	**Greenhouse Gas Reduction**				
1	Greenhouse Gas Reduction Strategy	13.5.3.E			●
G.	**Community Design Standards**				
1	Development in All Areas	13.5.3.F.1.a			●
2	Development in Regional Center or Town Centers	13.5.3.F.1.b	●		
3	Building Heights	13.5.3.F.2			●
4	Building Design	13.5.3.F.3			●
5	Landscaping	13.5.3.F.4			●
6	Lighting	13.5.3.F.5			●
7	Signing – Alternative Standards	13.5.3.F.6			●
8	Signing – General Policies	13.5.3.F.6			●
H.	**Modification to Town Center Boundaries**				
1	Modification to Town Center Boundaries	13.5.3.G			●
I.	**Conformity Review Procedures for Area Plans**				
1	Initiation of Area Planning Process by Lead Agency	13.6.1	●		
2	Initial Approval of Area Plan by Lead Agency	13.6.2	●		
3	Review by Advisory Planning Commission	13.6.3	●		
4	Approval of Area Plan by TRPA	13.6.4	●		
J.	**Findings for Conformance with the Regional Plan** *General Review Standards for All Area Plans*				
1	Zoning Designations	13.6.5.A.1	●		
2	Regional Plan Policies	13.6.5.A.2	●		

		TRPA Code Section	Conformity YES	NO	N/A
3	Regional Plan Land Use Map	13.6.5.A.3	●		
4	Environmental Improvement Projects	13.6.5.A.4			●
5	Redevelopment	13.6.5.A.5			●
6	Established Residential Areas	13.6.5.A.6			●
7	Stream Environment Zones	13.6.5.A.7			●
8	Alternative Transportation Facilities and Implementation	13.6.5.A.8			●
	Load Reduction Plans				
9	Load Reduction Plans	13.6.5.B			●
	Additional Review Standards for Town Centers and the Regional Center				
10	Building and Site Design Standards	13.6.5.C.1			●
11	Alternative Transportation	13.6.5.C.2			●
12	Promoting Pedestrian Activity	13.6.5.C.3			●
13	Redevelopment Capacity	13.6.5.C.4			●
14	Coverage Reduction and Stormwater Management	13.6.5.C.5			●
15	Threshold Gain	13.6.5.C.6			●
	Additional Review Standards for the High-Density Tourist District				
16	Building and Site Design	13.6.5.D.1			●
17	Alternative Transportation	13.6.5.D.2			●
18	Threshold Gains	13.6.5.D.3			●
K.	**Area Plan Amendments**				
1	Conformity Review for Amendments to an Area Plan	13.6.6	●		
2	Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan – Notice	13.6.7.A			●
3	Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan – Timing	13.6.7.B			●
L.	**Administration**				
1	Effect of Finding of Conformance of Area Plan	13.6.8	●		

		TRPA Code Section	Conformity YES	NO	N/A
2	Procedures for Adoption of Memorandum of Understanding	13.7			●
3	Monitoring, Certification, and Enforcement of an Area Plan	13.8			●
4	Appeal Procedure	13.9			●

Conformity Review Notes

A. CONTENTS OF AREA PLANS

1. General ☒ YES ☐ NO ☐ N/A

Citation 13.5.1

Requirement An Area Plan shall consist of applicable policies, maps, ordinances, and any other related materials identified by the lead agency, sufficient to demonstrate that these measures, together with TRPA ordinances that remain in effect, are consistent with and conform to TRPA's Goals and Policies and all other elements of the Regional Plan. In addition to this Section 13.5, additional specific requirements for the content of Area Plans are in subsection 13.6.5.A. The Memorandum of Understanding (MOU) that is associated with an approved Area Plan is a separate, but related, approval and is not part of the Area Plan.

Notes The South Shore Area Plan (SSAP) is defined in Chapter 2: Land Use Element of the Douglas County Master Plan, and consists of Design Standards and Guidelines, Tahoe Area Plan Regulations (ordinances), and related materials 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 boundaries are proposed.

TRPA determined the SSAP was in conformance with the Regional Plan in August 2013. The proposed amendment makes a targeted change to the Tahoe Area Plan Regulations Chapter 20.703.090 for religious assembly from permitted use requiring a Special Use Permit to permitted use by right. All other elements of the SSAP are unchanged.

2. Relationship to Other Sections of the Code ☒ YES ☐ NO ☐ N/A

Citation 13.5.2

Requirement This section is intended to authorize development and design standards in Area Plans that are different than otherwise required under this Code. In the event of a conflict between the requirements in this section and requirements in other parts of the Code, the requirements in this section shall apply for the purposes of developing Area Plans. Except as otherwise specified, Code provisions that apply to Plan Area Statements (Chapter 11), Community Plans (Chapter 12), and Specific and Master Plans (Chapter 14) may also be utilized in a Conforming Area Plan. If an Area

Plan proposes to modify any provision that previously applied to Plan Area Statements, Community Plans, or Specific and Master Plans, the proposed revision shall be analyzed in accordance with Code Chapters 3 and 4.

Notes The SSAP's development standards are defined in *South Shore Area Plan Design Standards and Guidelines*. Under the proposed amendment a targeted change to the Tahoe Area Plan Regulations Chapter 20.703.090 for religious assembly from permitted use requiring a Special Use Permit to permitted use by right. No design standard changes are proposed.

B. DEVELOPMENT AND COMMUNITY DESIGN STANDARDS

Area plans shall have development standards that are consistent with those in Table 13.5.3-1

MAXIMUM BUILDING HEIGHT

1. Outside of Centers ☐ YES ☐ NO ☒ N/A

Citation 13.5.3

Requirement Building height standards shall be consistent with Code Section 37.4.

Notes Building heights are defined in *South Shore Area Plan Design Standards and Guidelines*. The proposed amendment makes no change to building height standards.

2. Within Town Centers ☒ YES ☐ NO ☐ N/A

Citation 13.5.3

Requirement Building height is limited to a maximum of 4 stories and 56 feet.

Notes Building heights are defined in *South Shore Area Plan Design Standards and Guidelines*. The proposed amendment makes no change to building height standards.

3. Within the Regional Center ☐ YES ☐ NO ☒ N/A

Citation 13.5.3

Requirement Building height is limited to a maximum of 6 stories and 95 feet.

Notes Building heights are defined in *South Shore Area Plan Design Standards and Guidelines*. The proposed amendment does not change building height standards or regional center boundaries.

4. Within the High-Density Tourist District ☒ YES ☐ NO ☐ N/A

Citation 13.5.3

Requirement Building height is limited to a maximum of 197 feet.

Notes Building heights are defined in *South Shore Area Plan Design Standards and Guidelines*. The proposed amendment does not change building height standards or high-density tourist district boundaries.

DENSITY

5. Single-Family Dwellings ☐ YES ☐ NO ☒ N/A

Citation 13.5.3

Requirement Single-family dwelling density shall be consistent with Code Section 31.3.

Notes The densities in the SSAP (Section 20.703.080) are consistent with TRPA Code Section 31.3. The proposed amendment does not change single-family dwelling density.

6. Multiple-Family Dwellings outside of Centers ☐ YES ☐ NO ☒ N/A

Citation 13.5.3

Requirement Multiple-family dwelling density outside of Centers shall be consistent with Code Section 31.3.

Notes The densities in the SSAP (Section 20.703.080) are consistent with TRPA Code Section 31.3. The proposed amendment does not change existing multiple-family dwelling density.

7. Multiple-Family Dwellings within Centers ☐ YES ☐ NO ☒ N/A

Citation 13.5.3

Requirement Multiple-family dwelling density within Centers shall be a maximum of 25 units per acre.

Notes The densities in the SSAP (Section 20.703.080) are consistent with TRPA Code Section 31.3. The proposed amendment does not change existing multiple-family dwelling density.

8. Tourist Accommodations ☐ YES ☐ NO ☒ N/A

Citation 13.5.3

Requirement Tourist accommodations (other than bed and breakfast) shall have a maximum density of 40 units per acre.

Notes The densities in the SSAP (Section 20.703.080) are consistent with TRPA Code Section 31.3. The proposed amendment does not change tourist accommodation density.

LAND COVERAGE

9. Land Coverage ☐ YES ☐ NO ☒ N/A

Citation 13.5.3

Requirement Land coverage standards shall be consistent with Section 30.4 of the TRPA Code.

Notes The proposed amendment does not change land coverage.

10. Alternative Comprehensive Coverage Management System ☐ YES ☐ NO ☒ N/A

See Section C.1 of this document.

SITE DESIGN

11. Site Design Standards ☐ YES ☐ NO ☒ N/A

Citation 13.5.3

Requirement Area plans shall conform to Section 36.5 of the TRPA Code.

Notes The development standards set forth in *South Shore Area Plan Design Standards and Guidelines* are functionally equivalent to the standards set forth in Section 36.5 of the TRPA Code of Ordinances. The amendment does not change site design standards.

COMPLETE STREETS

12. Complete Streets ☐ YES ☐ NO ☒ N/A

Citation 13.5.3

Requirement Within Centers, plan for sidewalks, trails, and other pedestrian amenities providing safe and convenient non-motorized circulation within Centers, as applicable, and incorporation of the Regional Bike and Pedestrian Plan.

Notes The Tahoe Area Plan Regulations and South Shore Design Standards and Guidelines require sidewalks, trails, and other pedestrian amenities to provide safe and convenient non-motorized circulation within and around Centers. The proposed amendment does not change complete street standards.

C. ALTERNATIVE DEVELOPMENT STANDARDS AND GUIDELINES AUTHORIZED IN AREA PLANS

1. Alternative Comprehensive Coverage Management System ☐ YES ☐ NO ☒ N/A

Citation 13.5.3.B.1

Requirement An Area Plan may propose a comprehensive coverage management system as an alternative to the parcel-level coverage requirements outlined in Sections 30.4.1 and 30.4.2, provided that the alternative system shall: 1) reduce the total coverage and not increase the cumulative base allowable coverage in the area covered by the comprehensive coverage management system; 2) reduce the total amount of coverage and not increase the cumulative base allowable coverage in Land Capability Districts 1 and 2; and 3) not increase the amount of coverage otherwise allowed within 300 feet of high water of Lake Tahoe (excluding those areas landward of Highways 28 and 89 in Kings Beach and Tahoe City Town Centers

within that zone). For purposes of this provision, "total" coverage is the greater of existing or allowed coverage.

Notes Douglas County has chosen not to develop an alternative comprehensive coverage management system to the parcel-level coverage requirements prescribed by TRPA and set forth in Sections 30.4.1 and 30.4.2 of the TRPA Code of Ordinances. The proposed amendment makes no change to an alternative comprehensive coverage management system.

2. Alternative Parking Strategies ☐ YES ☐ NO ☒ N/A

Citation 13.5.3.B.2

Requirement An Area Plan is encouraged to include shared or area-wide parking strategies to reduce land coverage and make more efficient use of land for parking and pedestrian uses. Shared parking strategies may consider and include the following:

- Reduction or relaxation of minimum parking standards;
- Creation of maximum parking standards;
- Shared parking;
- In-lieu payment to meet parking requirements;
- On-street parking;
- Parking along major regional travel routes;
- Creation of bicycle parking standards;
- Free or discounted transit;
- Deeply discounted transit passes for community residents; and
- Paid parking management

Notes Douglas County has adopted alternative parking strategies in the Tahoe Area Plan Regulations (Section 20.703.150). The proposed amendment makes no change to Section 20.703.150 of the Tahoe Area Plan Regulations.

3. Areawide Water Quality Treatments and Funding Mechanisms ☐ YES ☐ NO ☒ N/A

Citation 13.5.3.B.3

Requirement An Area Plan may include water quality treatments and funding mechanisms in lieu of certain site-specific BMPs, subject to the following requirements:

- Area-wide BMPs shall be shown to achieve equal or greater effectiveness and efficiency at achieving water quality benefits to certain site-specific BMPs and must infiltrate the 20-year, one-hour storm.;
- Plans should be developed in coordination with TRPA and applicable state agencies, consistent with applicable TMDL requirements;
- Area-wide BMP project areas shall be identified in Area Plans and shall address both installation and ongoing maintenance;
- Strong consideration shall be given to areas connected to surface waters;
- Area-wide BMP plans shall consider area-wide and parcel level BMP requirements as an integrated system;

- Consideration shall be given to properties that have already installed and maintained parcel-level BMPs, and financing components or area-wide BMP plans shall reflect prior BMP installation in terms of the charges levied against projects that already complied with BMP requirements with systems that are in place and operational in accordance with applicable BMP standards; and
- Area-wide BMP Plans shall require that BMPs be installed concurrent with development activities. Prior to construction of area-wide treatment facilities, development projects shall either install parcel-level BMPs or construct area-wide improvements.

Notes Douglas County has one water quality treatment project in effect in lieu of site-specific BMPs. The Stateline Stormwater Association currently provides areawide water quality treatment for properties within the existing casino core and Edgewood properties under a Nevada Division of Environmental Protection (NDEP) permit. Future redevelopment within the casino core will connect to this system. Lower Kingsbury has been identified as a future area for an areawide water quality improvement project. However, parcel-level BMPs will be implemented until an approved areawide water quality improvement project exists. Nevertheless, the proposed amendment does not change provisions regarding stormwater projects.

4. Alternative Transfer Ratios for Development Rights ☐ YES ☐ NO ☒ N/A

Citation 13.5.3.B.4

Requirement Within a Stream Restoration Plan Area as depicted in Map 1 in the Regional Plan, an Area Plan may propose to establish alternative transfer ratios for development rights based on unique conditions in each jurisdiction, as long as the alternative transfer ratios are determined to generate equal or greater environment gain compared to the TRPA transfer ratios set forth in Chapter 51: Transfer of Development.

Notes There are no Stream Restoration Plan Areas within the SSAP boundary. The proposed amendment would not change alternative transfer ratios for development rights.

D. DEVELOPMENT STANDARDS AND GUIDELINES ENCOURAGED IN AREA PLANS

1. Urban Bear Strategy ☐ YES ☐ NO ☒ N/A

Citation 13.5.3.C.1

Requirement In Area Plans, lead agencies are encouraged to develop and enforce urban bear strategies to address the use of bear-resistant solid waste facilities and related matters.

Notes Regulations regarding bears and bear-resistant solid waste facilities have been adopted in the Douglas County Code (Title 6, Animals, Chapter 6.32, "Bear-proof Collection Bins, Containers, and Structures"). The proposed amendment does not change these provisions.

2. Urban Forestry ☐ YES ☐ NO ☒ N/A

Citation 13.5.3.C.2

Requirement In Area Plans, lead agencies are encouraged to develop and enforce urban forestry strategies that seek to reestablish natural forest conditions in a manner that does not increase the risk of catastrophic wildfire.

Notes Douglas County has not adopted an urban forestry strategy as a part of the SSAP. The proposed amendment does not change an adopted urban forestry strategy.

E. DEVELOPMENT ON RESORT RECREATION PARCELS

1. Development on Resort Recreation Parcels ☐ YES ☐ NO ☒ N/A

Citation 13.5.3.D

Requirement In addition to recreation uses, an Area Plan may allow the development and subdivision of tourist, commercial, and residential uses on the Resort Recreation District parcels depicted on Map 1 of the Regional Plan and subject to the following conditions:

- The parcels must become part of an approved Area Plan;
- Subdivisions shall be limited to "air space condominium" divisions with no lot and block subdivisions allowed;
- Development shall be transferred from outside the area designated as Resort Recreation; and
- Transfers shall result in the retirement of existing development.

Notes The proposed amendment does not make changes to resort recreation parcels.

F. GREENHOUSE GAS REDUCTION

1. Greenhouse Gas Reduction Strategy ☐ YES ☐ NO ☒ N/A

Citation 13.5.3.E

Requirement To be found in conformance with the Regional Plan, Area Plans shall include a strategy to reduce emissions of Greenhouse Gases from the operation or construction of buildings. The strategy shall include elements in addition to those included to satisfy other state requirements or requirements of this code. Additional elements included in the strategy may include but are not limited to the following:

- A local green building incentive program to reduce the energy consumption of new or remodeled buildings;
- A low interest loan or rebate program for alternative energy projects or energy efficiency retrofits;

- Modifications to the applicable building code or design standards to reduce energy consumption; or
- Capital improvements to reduce energy consumption or incorporate alternative energy production into public facilities.

Notes The SSAP includes a GHG reduction strategy affecting public buildings. The proposed amendment makes no changes to a GHG reduction strategy.

G. COMMUNITY DESIGN STANDARDS

To be found in conformance with the Regional Plan, Area Plans shall require that all projects comply with the design standards in this subsection. Area Plans may also include additional or substitute requirements not listed below that promote threshold attainment.

1. Development in All Areas ☐ YES ☐ NO ☒ N/A

Citation 13.5.3.F.1.a

Requirement All new development shall consider, at minimum, the following site design standards:

- Existing natural features retained and incorporated into the site design;
- Building placement and design that are compatible with adjacent properties and designed in consideration of solar exposure, climate, noise, safety, fire protection, and privacy;
- Site planning that includes a drainage, infiltration, and grading plan meeting water quality standards, and
- Access, parking, and circulation that are logical, safe, and meet the requirements of the transportation element.

Notes The above design standards are addressed in the Douglas County Tahoe Area Plan Regulations, *South Shore Design Standards and Guidelines*, and other TRPA and Douglas County regulations. The proposed amendment makes no change to these standards.

2. Development in Regional Center or Town Centers ☒ YES ☐ NO ☐ N/A

Citation 13.5.3.F.1.b

Requirement In addition to the standards above, development in Town Centers or the Regional Center shall address the following design standards:

- Existing or planned pedestrian and bicycle facilities shall connect properties within Centers to transit stops and the Regional Bicycle and Pedestrian network.
- Area Plans shall encourage the protection of views of Lake Tahoe.
- Building height and density should be varied with some buildings smaller and less dense than others.
- Site and building designs within Centers shall promote pedestrian activity and provide enhanced design features along public roadways. Enhanced design features to be considered include increased setbacks, stepped heights,

increased building articulation, and/or higher quality building materials along public roadways.

- Area Plans shall include strategies for protecting undisturbed sensitive lands and, where feasible, establish park or open space corridors connecting undisturbed sensitive areas within Centers to undisturbed areas outside of Centers.

Notes The SSAP establishes design standards for the Lower Kingsbury Mixed-Use/Town Center in the *South Shore Design Standards and Guidelines*. No changes are proposed to these standards.

3. Building Heights ☐ YES ☐ NO ☒ N/A

Citation 13.5.3.F.2

Requirement

- Area Plans may allow building heights up to the maximum limits in Table 13.5.3-1 of the Code of Ordinances
- Building height limits shall be established to ensure that buildings do not project above the forest canopy, ridge lines, or otherwise detract from the viewshed.
- Area Plans that allow buildings over two stories in height shall, where feasible, include provisions for transitional height limits or other buffer areas adjacent to areas not allowing buildings over two stories in height.

Notes Building height is set forth in the *South Shore Design Standards and Guidelines* and is consistent with the above standards. The proposed amendment would not change design standards for building height.

4. Building Design ☐ YES ☐ NO ☒ N/A

Citation 13.5.3.F.3

Requirement Standards shall be adopted to ensure attractive and compatible development. The following shall be considered:

- Buffer requirements should be established for noise, snow removal, aesthetic, and environmental purposes.
- The scale of structures should be compatible with existing and planned land uses in the area.
- Viewsheds should be considered in all new construction. Emphasis should be placed on lake views from major transportation corridors.
- Area Plans shall include design standards for building design and form. Within Centers, building design and form standards shall promote pedestrian activity.

Notes Building design is set forth in the *South Shore Design Standards and Guidelines* and is consistent with the above standards. The proposed amendment would not change design standards for building design.

5. Landscaping ☐ YES ☐ NO ☒ N/A

Citation 13.5.3.F.4

Requirement The following should be considered with respect to this design component of a project:

- Native vegetation should be utilized whenever possible, consistent with Fire Defensible Space Requirements.
- Vegetation should be used to screen parking, alleviate long strips of parking space, and accommodate stormwater runoff where feasible.
- Vegetation should be used to give privacy, reduce glare and heat, deflect wind, muffle noise, prevent erosion, and soften the line of architecture where feasible.

Notes The Tahoe Area Plan Regulations (Section 20.703.160) require landscape and irrigation plans for all non-residential projects that comply with Chapter 20.694, "Landscape Standards," of the Douglas County Development Code, except when in conflict with a TRPA provision, in which case the TRPA provision applies. Plant species listed in *TRPA Recommended and Approved Native and Adapted Plants for the Tahoe Basin* must be used for landscaping. The *South Shore Design Standards and Guidelines* also provide landscape standards (see Section 3, "Landscape Design"). The proposed amendment would not change the above standards.

6. Lighting ☐ YES ☐ NO ☒ N/A

Citation 13.5.3.F.5

Requirement Lighting increases the operational efficiency of a site. In determining the lighting for a project, the following should be required:

- Exterior lighting should be minimized to protect dark sky views, yet adequate to provide for public safety, and should be consistent with the architectural design.
- Exterior lighting should utilize cutoff shields that extend below the lighting element to minimize light pollution and stray light.
- Overall levels should be compatible with the neighborhood light level. Emphasis should be placed on a few, well-placed, low-intensity lights.
- Lights should not blink, flash, or change intensity except for temporary public safety signs.

Notes The Tahoe Area Plan Regulations (Section 20.703.170) and *South Shore Design Standards and Guidelines* (Section 6, "Lighting") include standards for exterior lighting that meet the above standards. The proposed amendment does not change standards related to lighting.

7. Signing – Alternative Standards ☐ YES ☐ NO ☒ N/A

Citation 13.5.3.F.6

Requirement Area Plans may include alternative sign standards. For Area Plans to be found in conformance with the Regional Plan, the Area Plan shall demonstrate that the sign standards will minimize and mitigate significant scenic impacts and move toward attainment or achieve the adopted scenic thresholds for the Lake Tahoe region.

Notes The Tahoe Area Plan Regulations (Section 20.703.180) and *South Shore Design Standards and Guidelines* (Section 5, "Signs") include provisions related to signage that move the area toward scenic threshold attainment. The proposed amendment does not change standards related to signage.

8. Signing – General Policies ☐ YES ☐ NO ☒ N/A

Citation 13.5.3.F.6

Requirement In the absence of a Conforming Area Plan that addresses sign standards, the following policies apply, along with implementing ordinances:

- Off-premise signs should generally be prohibited; way-finding and directional signage may be considered where scenic impacts are minimized and mitigated.
- Signs should be incorporated into building design;
- When possible, signs should be consolidated into clusters to avoid clutter.
- Signage should be attached to buildings when possible; and
- Standards for number, size, height, lighting, square footage, and similar characteristics for on-premise signs shall be formulated and shall be consistent with the land uses permitted in each district.

Notes The Tahoe Area Plan Regulations (Section 20.703.180) and *South Shore Design Standards and Guidelines* (Section 5, 'Signs") include signage standards that address the provisions of 13.5.3.F.6. The proposed amendment does not change standards related to signage

H. MODIFICATION TO TOWN CENTER BOUNDARIES

1. Modification to Town Center Boundaries ☐ YES ☐ NO ☒ N/A

Citation 13.5.3.G

Requirement When Area Plans propose modifications to the boundaries of a Center, the modification shall comply with the following:

- Boundaries of Centers shall be drawn to include only properties that are developed, unless undeveloped parcels proposed for inclusion have either at least three sides of their boundary adjacent to developed parcels (for four-sided parcels), or 75 percent of their boundary adjacent to developed parcels (for non-four-sided parcels). For purposes of this requirement, a parcel shall be considered developed if it includes any of the following: 30 percent or more of allowed coverage already existing on site or an approved but unbuilt project that proposes to meet this coverage standard.
- Properties included in a Center shall be less than ¼ mile from existing Commercial and Public Service uses.
- Properties included in a Center shall encourage and facilitate the use of existing or planned transit stops and transit systems.

Notes The proposed amendment would not modify a Town Center boundary.

I. CONFORMITY REVIEW PROCEDURES FOR AREA PLANS

1. Initiation of Area Planning Process by Lead Agency ☒ YES ☐ NO ☐ N/A

Citation 13.6.1

Requirement The development of an Area Plan shall be initiated by a designated lead agency. The lead agency may be TRPA or a local, state, federal, or tribal government. There may be only one lead agency for each Area Plan.

Notes Douglas County served as lead agency for adoption of the SSAP and is the lead agency seeking the amendment that is the subject of this application.

2. Initial Approval of Area Plan by Lead Agency ☒ YES ☐ NO ☐ N/A

Citation 13.6.2

Requirement If the lead agency is not TRPA, then the Area Plan shall be approved by the lead agency prior to TRPA's review of the Area Plan for conformance with the Regional Plan under this section. In reviewing and approving an Area Plan, the lead agency shall follow its own review procedures for plan amendments. At a minimum, Area Plans shall be prepared in coordination with local residents, stakeholders, public agencies with jurisdictional authority within the proposed Area Plan boundaries, and TRPA staff.

If the lead agency is TRPA, the Area Plan shall require conformity approval under this section by TRPA only. No approval by any other government, such as a local government, shall be required.

Notes Douglas County Board of Commissioners approved Ordinance 2022-1603 on September 1, 2022. This ordinance approved the proposed Area plan amendment.,

3. Review by Advisory Planning Commission ☒ YES ☐ NO ☐ N/A

Citation 13.6.3

Requirement The TRPA Advisory Planning Commission shall review the proposed Area Plan and make recommendations to the TRPA Governing Board. The commission shall obtain and consider the recommendations and comments of the local government(s) and other responsible public agencies, as applicable. jurisdictional authority within the proposed Area Plan boundaries, and TRPA staff.

Notes The SSAP amendment is scheduled for review by the Advisory Planning Commission on January 11, 2023.

4. Approval of Area Plan by TRPA ☒ YES ☐ NO ☐ N/A

Citation 13.6.4

Requirement For Area Plans initiated and approved by a lead agency other than TRPA, the Area Plan shall be submitted to and reviewed by the TRPA Governing Board at a public

hearing. Public comment shall be limited to issues raised by the public before the Advisory Planning Commission and issues raised by the Governing Board. The TRPA Governing Board shall make a finding that the Area Plan, including all zoning and development Codes that are part of the Area Plan, is consistent with and furthers the goals and policies of the Regional Plan. This finding shall be referred to as a finding of conformance and shall be subject to the same voting requirements as approval of a Regional Plan amendment.

Notes The SSAP amendment will be scheduled for review by the Governing Board on February 22, 2023 following review by the Regional Plan Implementation Committee and the Advisory Planning Commission. The Governing Board will need to find the amendment to the SSAP in conformance with the Regional Plan for it to take effect.

J. FINDINGS OF CONFORMANCE WITH THE REGIONAL PLAN

In making the general finding of conformance, the TRPA Governing Board shall make the general findings applicable to all amendments to the Regional Plan and Code set forth in Sections 4.5 and 4.6, and also the following specific review standards:

GENERAL REVIEW STANDARDS FOR ALL AREA PLANS

1. Zoning Designations ☒ YES ☐ NO ☐ N/A

Citation 13.6.5.A.1

Requirement The submitted Area Plan shall identify zoning designations, allowed land uses, and development standards throughout the plan area.

Notes The Tahoe Area Plan Regulations identifies zoning designations, allowed land uses, and development standards related to the amendment. The proposed amendment makes a targeted change to the Tahoe Area Plan Regulations Chapter 20.703.090 to change religious assembly from permitted use requiring a Special Use Permit to permitted use by right

2. Regional Plan Policies ☒ YES ☐ NO ☐ N/A

Citation 13.6.5.A.2

Requirement The submitted Area Plan shall be consistent with all applicable Regional Plan policies, including, but not limited to, the regional growth management system, development allocations, and coverage requirements.

Notes The SSAP and its components are aligned with Regional Plan goals and policies. TRPA previously reviewed the SSAP and found it in conformance with the Regional Plan policies in August 2013. No changes to the goals and policies, regional growth management system, development allocations, or coverage requirements are proposed as part of this amendment.

3. Regional Plan Land Use Map ☒ YES ☐ NO ☐ N/A

Citation 13.6.5.A.3

Requirement The submitted Area Plan shall either be consistent with the Regional Land Use Map or recommend and adopt amendments to the Regional Land Use Map as part of an integrated plan to comply with Regional Plan policies and provide threshold gain.

Notes The proposed amendment would not change the Regional Land Use Map or adopt amendments to the Regional Land Use Map as a part of an integrated plan to comply with Regional Plan policies and provide threshold gain.

4. Environmental Improvement Projects ☐ YES ☐ NO ☒ N/A

Citation 13.6.5.A.4

Requirement The submitted Area Plan shall recognize and support planned, new, or enhanced Environmental Improvement Projects. Area Plans may also recommend enhancements to planned, new, or enhanced Environmental Improvement Projects as part of an integrated plan to comply with Regional Plan Policies and provide threshold gain.

Notes The SSAP recognizes and incorporates TRPA's Environmental Improvement Program (EIP). No changes to EIPs are proposed as part of this amendment.

5. Redevelopment ☐ YES ☐ NO ☒ N/A

Citation 13.6.5.A.

Requirement The submitted Area Plan shall promote environmentally beneficial redevelopment and revitalization within town centers, regional centers and the High Density Tourist District.

Notes The SSAP promotes environmentally beneficial redevelopment and revitalization within the Lower Kingsbury Mixed-Use/Town Center and the High-Density Tourist District. It does so by promoting redevelopment through the incentives established in the 2012 Regional Plan Update. This amendment does not affect the SSAP's redevelopment strategy.

6. Established Residential Areas ☐ YES ☐ NO ☒ N/A

Citation 13.6.5.A.6

Requirement The submitted Area Plan shall preserve the character of established residential areas outside of town centers, regional centers and the High Density Tourist District, while seeking opportunities for environmental improvements within residential areas.

Notes No changes to any residential areas outside of the Lower Kingsbury Mixed-Use/Town Center or the High-Density tourist District are proposed as part of this amendment.

7. Stream Environment Zones ☐ YES ☐ NO ☒ N/A

Citation 13.6.5.A.7

Requirement The submitted Area Plan shall protect and direct development away from Stream Environment Zones and other sensitive areas, while seeking opportunities for environmental improvements within sensitive areas. Development may be allowed in disturbed Stream Environment zones within town centers, regional centers and the High-Density Tourist District only if allowed development reduces coverage and enhances natural systems within the Stream Environment Zone.

Notes No changes related to the above requirement for Stream Environment Zones (SEZs) are proposed with this amendment.

8. Alternative Transportation Facilities and Implementation ☐ YES ☐ NO ☒ N/A

Citation 13.6.5.A.8

Requirement The submitted Area Plan shall identify facilities and implementation measures to enhance pedestrian, bicycling and transit opportunities along with other opportunities to reduce automobile dependency.

Notes No changes related to the above requirement for alternative transportation facilities are proposed with this amendment.

LOAD REDUCTION PLANS

9. Load Reduction Plans ☐ YES ☐ NO ☒ N/A

Citation 13.6.5.B

Requirement TRPA shall utilize the load reduction plans for all registered catchments or TRPA default standards when there are no registered catchments, in the conformance review of Area Plans.

Notes No changes related to the above requirement for load reduction plans are proposed with this amendment.

ADDITIONAL REVIEW STANDARDS FOR TOWN CENTERS AND THE REGIONAL CENTER

10. Building and Site Design Standards ☐ YES ☐ NO ☒ N/A

Citation 13.6.5.C.1

Requirement The submitted Area Plan shall include building and site design standards that reflect the unique character of each area, respond to local design issues and consider ridgeline and viewshed protection.

Notes No changes related to the above requirement for building and site design standards are proposed with this amendment.

11. Alternative Transportation ☐ YES ☐ NO ☒ N/A

Citation 13.6.5.C.2

Requirement The submitted Area Plan shall promote walking, bicycling, transit use and shared parking in town centers and regional centers, which at a minimum shall include continuous sidewalks or other pedestrian paths and bicycle facilities along both sides of all highways within town centers and regional centers, and to other major activity centers.

Notes The Tahoe Area Plan Regulations and South Shore Design Standards and Guidelines (refer to Section 2) require sidewalks, trails, and other pedestrian amenities to provide safe and convenient non-motorized circulation within and around Centers. Douglas County also adopted the Regional Transportation Plan and Regional Bike and Pedestrian Plan with the 2011 Master Plan (refer to the Transportation Element). The Master Plan, Land Use Element, Tahoe Planning Area, includes a South Shore Area Plan Bike and Pedestrian Plan (Map 2. 29) that reflects existing and planned bike paths, trails, and sidewalks within the South Shore Area Plan. No changes related to the above requirement for alternative transportation are proposed with this amendment.

12. Promoting Pedestrian Activity ☐ YES ☐ NO ☒ N/A

Citation 13.6.5.C.3

Requirement The submitted Area Plan shall use standards within town centers and regional centers addressing the form of development and requiring that projects promote pedestrian activity and transit use.

Notes See Section J.11, above. No changes related to the above requirement for promoting pedestrian activity are proposed with this amendment.

13. Redevelopment Capacity ☐ YES ☐ NO ☒ N/A

Citation 13.6.5.C.4

Requirement The submitted Area Plan shall ensure adequate capacity for redevelopment and transfers of development rights into town centers and regional centers.

Notes No change to redevelopment capacity is proposed with this amendment.

14. Coverage Reduction and Stormwater Management ☐ YES ☐ NO ☒ N/A

Citation 13.6.5.C.5

Requirement The submitted Area Plan shall identify an integrated community strategy for coverage reduction and enhanced stormwater management.

Notes No changes to an integrated community strategy for coverage reduction and stormwater management are proposed as part of this amendment.

15. Threshold Gain ☐ YES ☐ NO ☒ N/A

Citation 13.6.5.C.6

Requirement The submitted Area Plan shall demonstrate that all development activity within Town Centers and the Regional Center will provide for or not interfere with Threshold gain, including but not limited to measurable improvements in water quality.

Notes See previous responses. All development is required to comply with the SSAP and related documents, which are designed to promote threshold gains including for scenic, community design, air quality, soils and water quality. No changes to the SSAP's threshold gain strategies are proposed with this amendment.

ADDITIONAL REVIEW STANDARDS FOR THE HIGH-DENSITY TOURIST DISTRICT

16. Building and Site Design ☐ YES ☐ NO ☒ N/A

Citation 13.6.5.D.1

Requirement The submitted Area Plan shall include building and site design standards that substantially enhance the appearance of existing buildings in the High Density Tourist District.

Notes The Tahoe Area Plan Regulations and *South Shore Design Standards and Guidelines* include building and site design standards that reflect the unique character of the South Shore area, respond to local design issues, and require the consideration of ridgeline and viewshed protection. No changes to these building and site design are included as a part of this amendment.

17. Alternative Transportation ☐ YES ☐ NO ☒ N/A

Citation 13.6.5.D.2

Requirement The submitted Area Plan shall provide pedestrian, bicycle and transit facilities connecting the High-Density Tourist District with other regional attractions.

Notes No changes related to alternative transportation facilities are proposed with this amendment.

18. Threshold Gain ☐ YES ☐ NO ☒ N/A

Citation 13.6.5.D.3

Requirement The submitted Area Plan shall demonstrate that all development activity within the High-Density Tourist District will provide or not interfere with Threshold gain, including but not limited to measurable improvements in water quality. If necessary to achieve Threshold gain, off-site improvements may be additionally required.

Notes See previous responses. All development is required to comply with the SSAP and related documents, which are designed to promote threshold gains including for scenic, community design, air quality, soils, and water quality. No changes to the SSAP's threshold gain strategies are proposed with this amendment.

K. AREA PLAN AMENDMENTS

1. Conformity Review for Amendments to an Area Plan ☒ YES ☐ NO ☐ N/A

Citation 13.6.6

Requirement Following approval of an Area Plan, any subsequent amendment to a plan or ordinance contained within the approved Area Plan shall be reviewed by the Advisory Planning Commission and Governing Board for conformity with the requirements of the Regional Plan. Public comment before the Governing Board shall be limited to consideration of issues raised before the Advisory Planning Commission and issues raised by the Governing Board. The Governing Board shall make the same findings as required for the conformity finding of the initial Area Plan, as provided in subsection 13.6.5; however, the scope of the APC and Governing Board's review shall be limited to determining the conformity of the specific amendment only. If the Governing Board finds that the amendment to the Area Plan does not conform to the Regional Plan, including after any changes made in response to TRPA comments, the amendment shall not become part of the approved Area Plan.

Notes The amendment to this area plan is narrowly focused and has been reviewed by Douglas County staff for conformity with the Regional Plan. The Governing Board's review will be focused on determining the conformity of this amendment.

2. Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan - Notice ☐ YES ☐ NO ☒ N/A

Citation 13.6.7.A

Requirement TRPA shall provide lead agencies with reasonable notice of pending amendments that may affect Area Plans. TRPA also shall provide lead agencies with notice of Area Plan topics that may require amendment following adopted Regional Plan amendments pursuant to this section.

Notes The proposed amendments were initiated by Douglas County.

3. Conformity Review for Amendments Made by TRPA to the Regional Plan that Affect an Area Plan - Timing ☐ YES ☐ NO ☒ N/A

Citation 13.6.7.B

Requirement If TRPA approves an amendment to the Regional Plan that would also require amendment of an Area Plan to maintain conformity, the lead agency shall be given one year to amend the Area Plan to demonstrate conformity with the TRPA

amendment. The Governing Board shall make the same findings as required for the conformity finding of the initial Area Plan, as provided in subsection 13.6.5; however, the scope of the Governing Board's review shall be limited to determining the conformity of only those amendments made by the lead agency to conform to the TRPA amendment. If the Governing Board finds that the other government fails to demonstrate conformity with the TRPA amendment following the one-year deadline, then the Board shall identify the policies and/or zoning provisions in the Area Plan that are inconsistent and assume lead agency authority to amend those policies and provisions.

Notes The proposed amendments were initiated by Douglas County.

L. ADMINISTRATION

1. Effect of Finding of Conformance of Area Plan ☒ YES ☐ NO ☐ N/A

Citation 13.6.8

Requirement By finding that an Area Plan conforms with the Regional Plan pursuant to the requirements of this chapter and upon adoption of an MOU pursuant to Section 13.7, the Area Plan shall serve as the standards and procedures for implementation of the Regional Plan. The standards and procedures within each Area Plan shall be considered and approved individually and shall not set precedent for other Area Plans.

Notes The Governing Board found the area plan to be in conformance with the Regional Plan on September 25, 2013. This amendment will be reviewed by the Governing Board prior to going into effect. The anticipated date of review by the Governing Board is February 22, 2023.

2. Procedures for Adoption of Memorandum of Understanding ☐ YES ☐ NO ☒ N/A

Citation 13.7

Requirement An Area Plan shall be consistent with the Procedures for Adoption of a Memorandum of Understanding.

Notes The is no memorandum of understanding between TRPA and Douglas County delegating permitting authority.

3. Monitoring, Certification, and Enforcement of an Area Plan ☐ YES ☐ NO ☒ N/A

Citation 13.8

Requirement An Area Plan shall include notification, monitoring, annual review, and recertification procedures consistent with Code Section 13.8.

Notes TRPA has conducted routine monitoring, annual review, and recertification of the SSAP.

4. Appeal Procedure ☐ YES ☐ NO ☒ N/A

Citation 13.9

Requirement The Area Plan shall include an appeal procedure consistent with Code Section 13.9.

Notes	Final decisions made by Douglas County in accordance with the SSAP may be appealed to TRPA in accordance with Section 13. 9 of TRPA Code. No change to this procedure is proposed as part of this amendment.

Attachment G

Compliance Measures Checklist

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
WATER QUALITY/SEZ - IN PLACE				
1	BMP requirements, new development: *Code of Ordinances* Chapter 60	**WQ, Soils/SEZ, Fish**	**N**	The proposed amendment makes no changes to the SSAP's BMP requirements and implementation programs. The proposed Area Plan amendment will comply with existing BMP requirements.
2	BMP implementation program -- existing streets and highways: *Code of Ordinances* Chapter 60	**WQ, Soils/SEZ, Trans, Fish**	**N**	
3	BMP implementation program -- existing urban development: *Code of Ordinances* Chapter 60	**WQ, Soils/SEZ, Fish**	**N**	
4	BMP implementation program -- existing urban drainage systems: *Code of Ordinances* Chapter 60	**WQ, Soils/SEZ, Trans, Fish**	**N**	
5	Capital Improvement Program for Erosion and Runoff Control	**WQ, Soils/SEZ, Trans, Fish**	**N**	The proposed amendment makes no changes to the SSAP's policies regarding implementation of the CIP.
6	Excess coverage mitigation program: *Code of Ordinances* Chapter 60	**WQ, Soils/SEZ**	**N**	The proposed amendment does not change excess coverage mitigation requirements.
7	Effluent limitations: California (SWRCB, Lahontan Board) and Nevada (NDEP): *Code of Ordinances* Chapter 5	**WQ, Soils/SEZ, Fish**	**N**	The effluent limitations in Chapter 5 of the TRPA Code of Ordinances are not being modified.
8	Limitations on new subdivisions: (See the Goals and Policies: Land Use Element)	**WQ, Soils/SEZ, Rec, Scenic**	**N**	All new subdivisions will continue to be limited by the provisions in Chapter 39, Subdivision, of the TRPA Code of Ordinances. No changes are proposed.
9	Land use planning and controls: See the Goals and Policies: Land Use Element and *Code of Ordinances* Chapters 11, 12, 13, 14, and 21	**WQ, Soils/SEZ, Trans, Scenic**	**N**	The SSAP was developed to meet the requirements of Chapter 13, Area Plans, and to implement the 2012 Regional Plan. This amendment will allow religious assembly uses to be carried out without a special use permit. No other changes to Regional Plan land use planning controls are proposed.
10	Residential development priorities, The Individual Parcel Evaluation System (IPES): Goals and Policies: Implementation Element and Code of Ordinances Chapter 53	**WQ, Soils/SEZ**	**N**	The SSAP amendment maintains the existing Growth Management regulations, Chapters 50 through 53, of the TRPA Code. No changes are proposed with the amendment.

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
11	Limits on land coverage for new development: Goals and Policies: Land Use Element and Code of Ordinances Chapter 30	**WQ, Soils/SEZ, Scenic**	**N**	The SSAP incorporates the existing land coverage provisions in Chapter 30 of the TRPA Code as well as the provisions that allow for high capability lands in Town Centers and the Regional Center to be covered up to 70%. It also includes provisions to protect and restore SEZs, maximize opportunities to remove or mitigate excess land coverage, implement EIP projects (including area wide water quality and erosion control projects), and accelerate BMP implementation. No changes are proposed with the amendment.
12	Transfer of development: Goals and Policies: Land Use Element and Implementation Element	**WQ, Soils/SEZ**	**N**	The SSAP includes Goals and Policies from the Land Use Element and Implementation Element of the Regional Plan regarding the transfer of development. The proposed amendment is consistent with the goals and policies in the SSAP. No changes are proposed.
13	Restrictions on SEZ encroachment and vegetation alteration: *Code of Ordinances* Chapter 30	**WQ, Soils/SEZ, Veg, Wildlife, Fish, Rec, Scenic**	**N**	The SSAP amendment will not alter existing restrictions on SEZ encroachment and vegetation alteration in the TRPA Code of Ordinances, Chapter 30.
14	SEZ restoration program: Environmental Improvement Program.	**WQ, Soils/SEZ, Veg, Wildlife, Fish, Scenic**	**N**	The SSAP benefits the EIP's SEZ restoration program through policies and provisions for the protection and restoration of SEZs No changes are proposed with the amendment.
15	SEZ setbacks: *Code of Ordinances* Chapter 53	**WQ, Soils/SEZ, Veg, Wildlife, Fish**	**N**	SEZ setback requirements in the TRPA Code of Ordinances, Chapter 53, IPES, Section 53.9, were not altered by the SSAP. No changes are proposed.
16	Fertilizer reporting requirements: *Code of Ordinances* Chapter 60	**WQ, Soils/SEZ, Fish, Rec**	**N**	The SSAP maintains the Resource Management and Protection regulations in the TRPA Code, including fertilizer reporting and water quality mitigation requirements. No changes to fertilizer requirements are proposed with the amendment.

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
17	Water quality mitigation: *Code of Ordinances* Chapter 60	**WQ, Soils/SEZ**	**N**	The SSAP maintains the Resource Management and Protection regulations in the TRPA Code, including fertilizer reporting and water quality mitigation requirements. No changes to water quality mitigations are proposed with the amendment.
18	Restrictions on rate and/or amount of additional development	**WQ, Soils/SEZ, Wildlife, Scenic**	**N**	The SSAP contains policies outlining the restrictions on rate and/or amount of additional development. No changes to the rate or amount of development are proposed.
19	Improved BMP implementation/ enforcement program	**WQ, Soils/SEZ**	**N**	The SSAP includes goals and policies related to the BMP implementation/enforcement program. No changes to BMP requirements are proposed with the amendment.
20	Increased funding for EIP projects for erosion and runoff control	**WQ, Soils/SEZ**	**N**	The SSAP amendment does not affect funding for EIP erosion and runoff control projects.
21	Artificial wetlands/runoff treatment program	**WQ, Soils/SEZ**	**N**	The SSAP does not alter the artificial wetlands/runoff treatment program. No changes are proposed in the amendment.
22	Transfer of development from SEZs	**WQ, Soils/SEZ, Scenic**	**N**	The SSAP provides incentives for property owners to hasten the transfer of development rights from sensitive lands, including SEZs, or outlying areas to Town Centers and the Regional Center where redevelopment is better suited and will have beneficial or or reduced adverse environmental impacts. No changes to this provision are proposed with the amendment.
23	Improved mass transportation	**WQ, Trans, Noise**	**N**	The SSAP facilitates mass transportation within existing transit routes, supporting increased usage of the transit system. No changes to mass transportation are proposed with the amendment.
24	Redevelopment and redirection of land use: Goals and Policies: Land Use Element and Code of Ordinances Chapter 13	**WQ, Soils/SEZ, Scenic**	**N**	One of the main objectives of the SSAP is to encourage the environmental redevelopment of the built environment and implement the Goals and Policies in the Land Use Element of the Regional Plan. No changes to redevelopment incentives are proposed with the amendment.

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
25	Combustion heater rules, stationary source controls, and related rules: *Code of Ordinances* Chapter 65	**WQ, AQ**	**N**	No changes are being proposed that would impact these Compliance Measures. The existing TRPA Code of Ordinance provisions will remain in effect.
26	Elimination of accidental sewage releases: Goals and Policies: Land Use Element	**WQ, Soils/SEZ**	**N**	
27	Reduction of sewer line exfiltration: Goals and Policies: Land Use Element	**WQ, Soils/SEZ**	**N**	
28	Effluent limitations	**WQ, Soils/SEZ**	**N**	
29	Regulation of wastewater disposal at sites not connected to sewers: *Code of Ordinances* Chapter 60	**WQ, Soils/SEZ**	**N**	
30	Prohibition on solid waste disposal: Goals and Policies: Land Use Element	**WQ, Soils/SEZ**	**N**	
31	Mandatory garbage pick-up: Goals and Policies: Public Service Element	**WQ, Soils/SEZ, Wildlife**	**N**	
32	Hazardous material/wastes programs: Goals and Policies: Land Use Element and *Code of Ordinances* Chapter 60	**WQ, Soils/SEZ**	**N**	
33	BMP implementation program, Snow and ice control practices: *Code of Ordinances* Chapter 60	**WQ, Soils/SEZ, AQ**	**N**	The SSAP did not change BMP requirements. No changes are proposed with the amendment.
34	Reporting requirements, highway abrasives and deicers: Goals and Policies:, Land Use Element and Code of Ordinances Chapter 60	**WQ, Soils/SEZ, Fish**	N	
35	BMP implementation program--roads, trails, skidding, logging practices: *Code of Ordinances* Chapter 60, Chapter 61	**WQ, Soils/SEZ, Fish**	**N**	

Compliance Measures Affected by the South Shore Area Plan Amendment

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
36	BMP implementation program--outdoor recreation: *Code of Ordinances* Chapter 60	**WQ, Soils/SEZ, Fish, Rec**	**N**	
37	BMP implementation program--livestock confinement and grazing: *Code of Ordinances* Chapter 21, Chapter 60, Chapter 64	**WQ, Soils/SEZ, Veg, Wildlife, Fish**	**N**	
38	BMP implementation program--pesticides	**WQ, Soils/SEZ**	**N**	
39	Land use planning and controls -- timber harvesting: *Code of Ordinances* Chapter 21	**WQ, Soils/SEZ, AQ, Wildlife, Fish, Scenic**	**N**	The amendment will not alter the effectiveness of compliance measures relating to timber harvesting or outdoor recreation.
40	Land use planning and controls - outdoor recreation: *Code of Ordinances* Chapter 21	**WQ, Soils/SEZ, Wildlife, Noise, Rec, Scenic**	**N**	
41	Land use planning and controls--ORV use: Goals and Policies: Recreation Element	**WQ, Soils/SEZ, AQ, Wildlife, Fish, Noise, Rec, Scenic**	**N**	Regional Plan Policy R-1.5 states that "Off-road vehicle (ORV) use is prohibited in the Lake Tahoe Region expect on specified roads, trails, or designated areas where the impacts can be mitigated." The SSAP did not expand ORV use, and no changes are proposed.
42	Control of encroachment and coverage in sensitive areas	**WQ, Soils/SEZ, Wildlife, Rec, Scenic**	**N**	The existing TRPA Code provisions remain in effect, and no changes are proposed with the amendment.
43	Control on shorezone encroachment and vegetation alteration: *Code of Ordinances* Chapter 83	**WQ, Soils/SEZ, Scenic**	**N**	The existing Code provisions related to the Shorezone remain in effect, and no changes are proposed with the amendment.
44	BMP implementation program--shorezone areas: *Code of Ordinances* Chapter 60	**WQ, Soils/SEZ**	**N**	
45	BMP implementation program--dredging and construction in Lake Tahoe: *Code of Ordinances* Chapter 60	**WQ, Soils/SEZ**	N	

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
46	Restrictions and conditions on filling and dredging: *Code of Ordinances* Chapter 84	**WQ, Soils/SEZ, Fish**	**N**	
47	Protection of stream deltas	**WQ, Soils/SEZ, Wildlife, Fish, Scenic**	**N**	
48	Marina master plans: *Code of Ordinances* Chapter 14	**WQ, AQ/Trans, Fish, Scenic**	**N**	
49	Additional pump-out facilities: *Code of Ordinances* Chapter 60	**WQ, Soils/SEZ**	**N**	
50	Controls on anti-fouling coatings: *Code of Ordinances* Chapter 60	**WQ, Soils/SEZ, Fish**	**N**	
51	Modifications to list of exempt activities	**WQ, Soils/SEZ**	**N**	The SSAP did not alter the list of exempt activities. No changes are proposed.
WATER QUALITY/SEZ - SUPPLEMENTAL				
52	More stringent SEZ encroachment rules	**WQ, Soils/SEZ, Wildlife, Fish**	**N**	The proposed amendment does not include any changes to water quality or SEZ provisions that would affect Compliance Measures 52 though 61.
53	More stringent coverage transfer requirements	**WQ, Soils/SEZ**	**N**	
54	Modifications to IPES	**WQ, Soils/SEZ**	**N**	
55	Increased idling restrictions	**WQ, Soils/SEZ, AQ**	**N**	
56	Control of upwind pollutants	**WQ, Soils/SEZ, AQ**	**N**	
57	Additional controls on combustion heaters	**WQ, Soils/SEZ, AQ**	**N**	
58	Improved exfiltration control program	**WQ, Soils/SEZ**	**N**	
59	Improved infiltration control program	**WQ, Soils/SEZ**	**N**	
60	Water conservation/flow reduction program	**WQ, Soils/SEZ, Fish**	**N**	

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
61	Additional land use controls	**WQ, Soils/SEZ, Wildlife**	**N**	
AIR QUALITY/TRANSPORTATION - IN PLACE				
62	Fixed Route Transit - South Shore: STAGE	**Trans, Rec**	**N**	The proposed amendment does not include any air quality of transportation changes or provisions that would affect Compliance Measures 62 though 72.
63	Fixed Route Transit - North Shore: TART	**Trans, Rec**	**N**	
64	Demand Responsive Transit	**Trans**	**N**	
65	Seasonal Transit Services	**Trans, Rec**	**N**	
66	Social Service Transportation	**Trans**	**N**	
67	Shuttle programs	**Trans, Rec**	**N**	
68	Ski shuttle services	**Trans, Rec**	**N**	
69	Intercity bus services	**Trans**	**N**	
70	Passenger Transit Facilities	**Trans**	**N**	
71	Bikeways, Bike Trails	**Trans, Noise, Rec, Scenic**	**N**	
72	Pedestrian facilities	**Trans, Rec, Scenic**	**N**	
73	Wood heater controls: *Code of Ordinances* Chapter 65	**WQ, AQ**	**N**	The TRPA Code provisions related to Compliance Measures 73 through 75 remain in effect, and no changes are proposed with the amendment.
74	Gas heater controls: *Code of Ordinances* Chapter 65	**WQ, AQ**	**N**	
75	Stationary source controls: *Code of Ordinances* Chapter 65	**WQ, AQ**	**N**	
76	U.S. Postal Service Mail Delivery	**Trans**	**N**	The SSAP amendment will not affect U.S. Postal Service Delivery.
77	Indirect source review/air quality mitigation: *Code of Ordinances* Chapter 65	**WQ, AQ, Trans**	**N**	The TRPA Code provisions related to Compliance Measures 77 through 78 remain in effect, and no changes are proposed with the amendment.
78	Idling Restrictions: *Code of Ordinances* Chapter 65	**WQ, AQ**	**N**	
79	Vehicle Emission Limitations(State/Federal)	**WQ, AQ**	**N**	No changes are proposed to the Code's provisions related to established vehicle emission limitations.
80	Open Burning Controls: *Code of Ordinances* Chapters 61 and Chapter 65	**WQ, AQ, Scenic**	**N**	No changes related to open buring requirements are proposed.

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
81	BMP and Revegetation Practices	**WQ, AQ, Wildlife, Fish**	**N**	The SSAP amendment would not alter requirements related to BMPs and revegetation.
82	Employer-based Trip Reduction Programs: *Code of Ordinances* Chapter 65	**Trans**	**N**	No changes are proposed to the Code's provisions related to employer-based trip reduction programs.
83	Vehicle rental programs: *Code of Ordinances* Chapter 65	**Trans**	**N**	
84	Parking Standards	**Trans**	**N**	The SSAP amendment does not make any changes that would affect parking standards, parking management, parking fees or facilities, traffic management, signal synchronization, aviation, waterborne transit or excursions, air quality monitoring, alternative fueled vehicle fleets or infrastructure improvements, north shore transit, or the Heavenly Ski Resort Gondola. Development associated with the amendment will use existing units of use banked within the Amendment Area and would not generate additional demand for waterborne transit services.
85	Parking Management Areas	**Trans**	**N**	
86	Parking Fees	**Trans**	**N**	
87	Parking Facilities	**Trans**	**N**	
88	Traffic Management Program - Tahoe City	**Trans**	**N**	
89	US 50 Traffic Signal Synchronization - South Shore	**Trans**	**N**	
90	General Aviation, The Lake Tahoe Airport	**Trans, Noise**	**N**	
91	Waterborne excursions	**WQ, Trans, Rec**	**N**	
92	Waterborne transit services	**WQ, Trans, Scenic**	**N**	
93	Air Quality Studies and Monitoring	**WQ, AQ**	**N**	
94	Alternate Fueled Vehicle - Public/Private Fleets and Infrastructure Improvements	**Trans**	**N**	
95	Demand Responsive Transit - North Shore	**Trans**	**N**	
96	Tahoe Area Regional Transit Maintenance Facility	**Trans**	**N**	
97	Heavenly Ski Resort Gondola	**Trans**	**N**	
AIR QUALITY/TRANSPORTATION - SUPPLEMENTAL				
98	Demand Responsive Transit - North Shore	**Trans**	**N**	The SSAP Amendment does not alter any transit services, bikeways, or pedestrian

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
99	Coordinated Transit System - South Shore	**Trans**	**N**	facilities. No changes to existing policies are proposed.
100	Transit Passenger Facilities	**Trans**	**N**	
101	South Shore Transit Maintenance Facility - South Shore	**Trans**	**N**	
102	Transit Service - Fallen Leaf Lake	**WQ, Trans**	**N**	
103	Transit Institutional Improvements	**Trans**	**N**	
104	Transit Capital and Operations Funding Acquisition	**Trans**	**N**	
105	Transit/Fixed Guideway Easements - South Shore	**Trans**	**N**	
106	Visitor Capture Program	**Trans**	**N**	
107	Pedestrian and Bicycle Facilities--South Shore	**Trans, Rec**	**N**	
108	Pedestrian and Bicycle Facilities--North Shore	**Trans, Rec**	**N**	
109	Parking Inventories and Studies Standards	**Trans**	**N**	
110	Parking Management Areas	**Trans**	**N**	
111	Parking Fees	**Trans**	**N**	
112	Establishment of Parking Task Force	**Trans**	**N**	
113	Construct parking facilities	**Trans**	**N**	
114	Intersection improvements--South Shore	**Trans, Scenic**	**N**	
115	Intersection improvements--North Shore	**Trans, Scenic**	**N**	
116	Roadway Improvements - South Shore	**Trans, Scenic**	**N**	
117	Roadway Improvements - North Shore	**Trans, Scenic**	**N**	
118	Loop Road - South Shore	**Trans, Scenic**	**N**	
119	Montreal Road Extension	**Trans**	**N**	
120	Kingsbury Connector	**Trans**	**N**	
121	Commercial Air Service: Part 132 commercial air service	**Trans**	**N**	

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
122	Commercial Air Service: commercial air service that does not require Part 132 certifications	**Trans**	**N**	
123	Expansion of waterborne excursion service	**WQ, Trans**	**N**	
124	Re-instate the oxygenated fuel program	**WQ, AQ**	**N**	
125	Management Programs	**Trans**	**N**	
126	Around the Lake Transit	**Trans**	**N**	
VEGETATION - IN PLACE				
127	Vegetation Protection During Construction: *Code of Ordinances* Chapter 33	**WQ, AQ, Veg, Scenic**	**N**	The SSAP did not alter the provisions of Chapter 33, and no changes are proposed with the amendment.
128	Tree Removal: *Code of Ordinances* Chapter 61	**Veg, Wildlife, Scenic**	**N**	The SSAP did not alter the provisions of Chapter 61, and no changes are proposed with the amendment.
129	Prescribed Burning: *Code of Ordinances* Chapter 61	**WQ, AQ, Veg, Wildlife, Scenic**	**N**	
130	Remedial Vegetation Management: *Code of Ordinances* Chapter 61	**WQ, Veg, Wildlife**	**N**	
131	Sensitive and Uncommon Plant Protection and Fire Hazard Reduction: *Code of Ordinances* Chapter 61	**Veg, Wildlife, Scenic**	**N**	
132	Revegetation: *Code of Ordinances* Chapter 61	**WQ, Veg, Wildlife, Scenic**	**N**	
133	Remedial Action Plans: *Code of Ordinances* Chapter 5	**WQ, Veg**	**N**	The SSAP, as amended, is consistent with Chapter 5 of the TRPA Code.
134	Handbook of Best Management Practices	**WQ, Soils/SEZ, Veg, Fish**	**N**	The Handbook of Best Management Practices will continue to be used to design and construct BMPs. No changes are proposed with the amendment.
135	Shorezone protection	**WQ, Soils/SEZ, Veg**	**N**	See responses to Compliance Measures 43 through 50. The SSAP amendment makes no changes to shorezone provisions.
136	Project Review	**WQ, Veg**	**N**	Projects on the rezoned parcels will be reviewed and inspected according to the MOU between the County and TRPA. The amendment does not alter the project review
137	Compliance inspections	**Veg**	**N**	

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
138	Development Standards in the Backshore	**WQ, Soils/SEZ, Veg, Wildlife, Scenic**	**N**	See responses to Compliance Measures 43 through 50.
139	Land Coverage Standards: *Code of Ordinances* Chapter 30	**WQ, Veg, Wildlife, Fish, Scenic**	**N**	See response to Compliance Measure 11. The amendment does not affect coverage standards.
140	Grass Lake, Research Natural Area	**WQ, Veg, Wildlife, Fish, Scenic**	**N**	Grass lake is not located within the plan area and would not be affected by the amendment.
141	Conservation Element, Vegetation Subelement: Goals and Policies	**Veg, Wildlife, Fish**	**N**	No changes to the conservation element are proposed.
142	Late Successional Old Growth (LSOG): *Code of Ordinances* Chapter 61	**Veg, Wildlife, Fish**	**N**	No changes related to late succesional old growth or SEZ vegetation are proposed.
143	Stream Environment Zone Vegetation: *Code of Ordinances* Chapter 61	**WQ, Veg, Wildlife, Fish**	**N**	
144	Tahoe Yellow Cress Conservation Strategy	**Veg**	**N**	No changes related to the Tahoe Yellow Cress strategy are proposed.
145	Control and/or Eliminate Noxious Weeds	**Veg, Wildlife**	**N**	No changes related to noxious weeds are proposed.
146	Freel Peak Cushion Plant Community Protection	**Veg**	**N**	The Freel Peak Cushion Plant community is not within the plan area and would not be
VEGETATION - SUPPLEMENTAL				
147	Deepwater Plant Protection	**WQ, Veg**	**N**	No changes related to deepwater pant protection are proposed.
WILDLIFE - IN PLACE				
148	Wildlife Resources: *Code of Ordinances* Chapter 62	**Wildlife, Noise**	**N**	No changes related to wildlife resources are proposed.
149	Stream Restoration Program	**WQ, Soils/SEZ, Veg, Wildlife, Fish, Rec, Scenic**	**N**	No changes to the stream restoration program are proposed.
150	BMP and revegetation practices	**WQ, Veg, Wildlife, Fish, Scenic**	**N**	No changes related to BMPs and revegetation practices are proposed.

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
151	OHV limitations	**WQ, Soils/SEZ, AQ, Wildlife, Noise, Rec**	**N**	No changes to OHV limitations are proposed.
152	Remedial Action Plans: *Code of Ordinances* Chapter 5	**Wildlife**	**N**	The SSAP, as amended, is consistent with Chapter 5 of the TRPA Code.
153	Project Review	**Wildlife**	**N**	See response to Compliance Measures 136 and 137. The SSAP amendment will not alter the existing project review procedures.
FISHERIES - IN PLACE				
156	Fish Resources: *Code of Ordinances* Chapter 63	**WQ, Fish**	**N**	No changes related to fisheries are proposed.
157	Tree Removal: *Code of Ordinances* Chapter 61	**Wildlife, Fish**	**N**	The SSAP Amendment does not change tree removal provisions of Chapter 61.
158	Shorezone BMPs	**WQ, Fish**	**N**	See response to Compliance Measures 43 through 50. The SSAP amendment does not affect shorezone provisions.
159	Filling and Dredging: *Code of Ordinances* Chapter 84	**WQ, Fish**	**N**	
160	Location standards for structures in the shorezone: *Code of Ordinances* Chapter 84	**WQ, Fish**	**N**	
161	Restrictions on SEZ encroachment and vegetation alteration	**WQ, Soils/SEZ, Fish**	**N**	No changes to SEZ restrictions are proposed.
162	SEZ Restoration Program	**WQ, Soils/SEZ, Fish**	**N**	No changes to SEZ restoration programs are proposed.
163	Stream restoration program	**WQ, Soils/SEZ, Fish**	**N**	No changes to stream or riparian restoration programs are proposed.
164	Riparian restoration	**WQ, Soils/SEZ, Fish**	**N**	
165	Livestock: *Code of Ordinances* Chapter 64	**WQ, Soils/SEZ, Fish**	**N**	No changes to TRPA Code Chapter 64 are proposed.

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
166	BMP and revegetation practices	**WQ, Fish**	**N**	See response to Compliance Measures 1 through 4. The SSAP amendment does not alter BMP and revegetation practices.
167	Fish habitat study	**Fish**	**N**	No changes are proposed.
168	Remedial Action Plans: *Code of Ordinances* Chapter 5	**Fish**	**N**	See response to Compliance Measure 133.
169	Mitigation Fee Requirements: *Code of Ordinances* Chapter 86	**Fish**	**N**	No changes to mitigation fees are proposed.
170	Compliance inspection	**Fish**	**N**	No changes to compliance inspections are proposed.
171	Public Education Program	**Wildlife, Fish**	**N**	The SSAP does not include a public education component, but does address the City's education and outreach efforts regarding green building. No changes are proposed.
NOISE - IN PLACE				
172	Airport noise enforcement program	**Wildlife, Fish**	**N**	The Lake Tahoe airport is not within the plan area. No changes to noise enforcement are propsoed.
173	Boat noise enforcement program	**Wildlife, Fish, Rec**	**N**	No changes to boat noise enforcement are propsoed.
174	Motor vehicle/motorcycle noise enforcement program: *Code of Ordinances* Chapters 5 and 23	**Wildlife, Fish**	**N**	No changes to vehicle noise enforcement are propsoed.
175	ORV restrictions	**AQ, Wildlife, Noise, Rec**	**N**	No changes to ORV and snowmobile restrictions are propsoed.
176	Snowmobile Restrictions	**WQ, Wildlife, Noise, Rec**	**N**	
177	Land use planning and controls	**Wildlife, Noise**	**N**	See response to Compliance Measure 9. The SSAP would make a targeted revision to allow religious assembly uses by right where they currentyl require a special use permit. The amendment would not affect the amount or rate of development, or other land use planning provisions.

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
178	Vehicle trip reduction programs	**Trans, Noise**	**N**	The SSAP should reduce VMT via installation of pedestrian and bike paths and improving public transit. No changes to vehicle trip reduction programs are proposed.
179	Transportation corridor design criteria	**Trans, Noise**	**N**	Douglas County, CalTrans, and Mobility 2035 standards will continue to apply, where applicable, and are not affected by the amendment.
180	Airport Master Plan South Lake Tahoe	**Trans, Noise**	**N**	The Lake Tahoe airport is not within the plan area. No changes to the master plan are propsoed.
181	Loudspeaker restrictions	**Wildlife, Noise**	**N**	No changes are proposed.
182	Project Review	**Noise**	**N**	See response to Compliance Measures 136 and 137.
183	Complaint system: *Code of Ordinances* Chapters 5 and 68	**Noise**	**N**	Existing complaint systems are not being modified.
184	Transportation corridor compliance program	**Trans, Noise**	**N**	No changes are proposed.
185	Exemptions to noise limitations	**Noise**	**N**	No changes are proposed.
186	TRPA's Environmental Improvement Program (EIP)	**Noise**	**N**	No changes are proposed.
187	Personal watercraft noise controls	**Wildlife, Noise**	**N**	No changes are proposed.
NOISE - SUPPLEMENTAL				
188	Create an interagency noise enforcement MOU for the Tahoe Region.	**Noise**	**N**	An interagency noise enforcement MOU for the Tahoe Region is not being proposed as part of the SSAP amendment.
RECREATION - IN PLACE				
189	Allocation of Development: *Code of Ordinances* Chapter 50	**Rec**	**N**	See response to Compliance Measure 10.

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
190	Master Plan Guidelines: *Code of Ordinances* Chapter 14	**Rec, Scenic**	**N**	The TRPA, in coordination with Douglas County, will continue to process Specific and Master Plan Plans pursuant to Chapter 14 of the TRPA Code of Ordinances. No changes are proposed.
191	Permissible recreation uses in the shorezone and lake zone: *Code of Ordinances* Chapter 81	**WQ, Noise, Rec**	**N**	See response to Compliance Measures 43 through 50.
192	Public Outdoor recreation facilities in sensitive lands	**WQ, Rec, Scenic**	**N**	The SSAP amendment is not altering provisions regarding public outdoor recreation in sensitive lands.
193	Hiking and riding facilities	**Rec**	**N**	The SSAP includes hiking and riding facilities reflected in the adopted Mobility 2035: Lake Tahoe Regional Transportation Plan and Lake Tahoe Region Bicycle and Pedestrian Plan. Therefore, the SSAP is expected to accelerate implementation of this compliance measure. No changes are proposed with the amendment.
194	Scenic quality of recreation facilities	**Rec, Scenic**	**N**	All proposals for new recreation facilities within the SSAP will have to meet Scenic Quality standards. No changes are proposed.
195	Density standards	**Rec**	**N**	The SSAP Amendment will not alter existing density standards. No changes are proposed.
196	Bonus incentive program	**Rec**	**N**	The SSAP Amendment will not alter existing bonus unit incentives.
197	Required Findings: *Code of Ordinances* Chapter 4	**Rec**	**N**	All applicable TRPA Code Of Ordinance findings will continue to have to be met with the future approval of projects within the SSAP. No changes are proposed.
198	Lake Tahoe Recreation Sign Guidelines	**Rec, Scenic**	**N**	No changes to sign guidelines are proposed.
199	Annual user surveys	**Rec**	**N**	No changes to user surveys are proposed.
RECREATION - SUPPLEMENTAL				
200	Regional recreational plan	**Rec**	**N**	No changes to recreation plans are proposed.
201	Establish fair share resource capacity estimates	**Rec**	**N**	No changes to recreation capacity or economic modeling are proposed.
202	Reserve additional resource capacity	**Rec**	**N**	

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
203	Economic Modeling	**Rec**	**N**	
SCENIC - IN PLACE				
204	Project Review and Exempt Activities: *Code of Ordinances* Chapter 2	**Scenic**	**N**	The SSAP amendment does not alter the list of exempt activities. Nor does it affect project review requirements or review procedures..
205	Land Coverage Limitations: *Code of Ordinances* Chapter 30	**WQ, Scenic**	**N**	The SSAP incorporates the existing land coverage provisions in Chapter 30 of the TRPA Code as well as the provisions that allow for high capability lands in Town Centers and the Regional Center to be covered up to 70%. It also includes provisions to protect and restore SEZs, maximize opportunities to remove or mitigate excess land coverage, implement EIP projects (including area wide water quality and erosion control projects), and accelerate BMP implementation. No changes are proposed with the amendment.
206	Height Standards: *Code of Ordinances* Chapter 37	**Scenic**	**N**	The SSAP Development and Design Standards include height standards that are consistent with Chapter 37 of the TRPA Code of Ordinances, as well as take advantage of the new height provisions in the Regional Plan and Chapter 13 of the TRPA Code of Ordinances. No changes to the adopted height standards are proposed.
207	Driveway and Parking Standards: *Code of Ordinances* Chapter 34	**Trans, Scenic**	**N**	No changes to driveway or parking standards are proposed.
208	Signs: *Code of Ordinances* Chapter 38	**Scenic**	**N**	No changes to sign standards are proposed.
209	Historic Resources: *Code of Ordinances* Chapter 67	**Scenic**	**N**	See response to Compliance Measures 16 and 17. The SSAP amendment would not alter provisions related to the protection of historic resources.
210	Design Standards: *Code of Ordinances* Chapter 36	**Scenic**	**N**	No changes to design standards are proposed.
211	Shorezone Tolerance Districts and Development Standards: *Code of Ordinances* Chapter 83	**Scenic**	**N**	See responses to Compliance Measures 43 through 50. The SSAP amendment would not alter any provisions related to the shorezone.

Tracking Number	Compliance Measure Description	Affected Threshold Categories	Affected by Action (Y/N)	Comments
212	Development Standards Lakeward of Highwater: *Code of Ordinances* Chapter 84	**WQ, Scenic**	**N**	
213	Grading Standards: *Code of Ordinances* Chapter 33	**WQ, Scenic**	**N**	No changes to grading or vegetation protection standards are proposed.
214	Vegetation Protection During Construction: Code of Ordinances Chapter 33	**AQ, Veg, Scenic**	**N**	
215	Revegetation: *Code of Ordinances* Chapter 61	**Scenic**	**N**	See responses to Compliance Measures 16 and 17. The amendment would not alter revegetation requirments.
216	Design Review Guidelines	**Scenic**	**N**	No changes to the design review guidelines are proposed.
217	Scenic Quality Improvement Program(SQIP)	**Scenic**	**N**	See response to Compliance Measure 194. The SSAP amendment would not alter the SQIP.
218	Project Review Information Packet	**Scenic**	**N**	See response to Compliance Measure 194. The SSAP amendment would not alter project review prrequirements.
219	Scenic Quality Ratings, Features Visible from Bike Paths and Outdoor Recreation Areas Open to the General Public	**Trans, Scenic**	**N**	See response to Compliance Measure 194. The SSAP amendment would not alter the Scenic quality ratings or related requirements.
220	Nevada-side Utility Line Undergrounding Program	**Scenic**	**N**	The amendment would not affect the utility undergrounding program.
SCENIC - SUPPLEMENTAL				
221	Real Time Monitoring Program	**Scenic**	**N**	No changes to the real time monitoring program are being proposed with the SSAP amendment.
222	Integrate project identified in SQIP	**Scenic**	**N**	No changes to the SQIP or SQIP implementation are proposed.