

Attachment A
Required Findings/Rationale

Required Findings: The following is a list of the required findings as set forth in Chapters 3, 4, 33, 37 and 61 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. Chapter 3 – Required Findings:

Based on the information submitted in the IEC, and other information know to TRPA, TRPA shall make one of the following findings and take the identified action:

- (a) The proposed project could not have a significant effect on the environment and a finding of no Significant effect shall be prepared in accordance with the Rules of Procedure, Section 6.6;
- (b) The proposed project could have a significant effect on the environment but, due to the mitigation measures that have been added to the project, the project could have no significant effect on the environment and a finding of no significant effect shall be prepared in accordance with Rules of Procedure Section 6.7; or
- (c) The proposed project may have a significant effect on the environment and an environmental impact statement shall be pared in accordance with Chapter 3 of the TRPA Code of Ordinances and the Rules of Procedure, Article 6.

Based on the information provided in this staff report, the project application, the Initial Environmental Checklist (IEC), and Article V(g) Findings Checklist, there is sufficient evidence demonstrating that the proposed project, with the proposed conditions in the draft permits, will not have a significant effect on the environment and a finding of no significant effect shall be prepared.

2. Chapter 4 – Required Findings:

- (a) The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.

Based on the information provided in this staff report, the project application, the Initial Environmental Checklist (IEC), and Article V(g) Findings Checklist, there is sufficient evidence demonstrating that the proposed project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, the TRPA Code and other TRPA plans and programs.

- (b) The project will not cause the environmental threshold carrying capacities to be exceeded.

TRPA staff has completed the "Article V(g) Findings" in accordance with Chapter 4, Subsection 4.3 of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. The applicant also completed an IEC. No significant environmental impacts were identified, and staff has concluded that the project will not have a significant effect on the environment.

- (c) Wherever federal, state or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TPRA Compact, the project meets or exceeds such standards.

TRPA is requiring that all potential environmental effects of the project be mitigated through the project design, including the installation of both temporary and permanent Best Management Practices and ongoing maintenance, and payment of a \$137,208.48 water quality mitigation fee. A condition of approval requires the permittee to submit a BMP retrofit plan and schedule for the existing lodge/community center building and parking lot. The project is also required to comply with all Placer County and Lahontan Regional Water Quality Control Board requirements. The project is also subject to a \$7,412.00 Mobility Mitigation fee. As a result, upon completion of construction, the project should have no impact upon air or water quality standards.

3. Chapter 33 - Excavations

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

The proposed project proposes a maximum depth of 12 feet, 5 inches. A soils hydrologic report was prepared by Nortech, qualified professionals in the field of groundwater investigations (TRPA File LCAP2022-0741). The report found groundwater will not be intercepted.

- B. The excavation is designed such that no damage occurs to mature trees, except where tree removal is allowed pursuant to subsection 33.6.5: Tree Removal.

A condition of approval requires excavations below five feet to be limited to the building footprint which will eliminate impacts to mature trees.

- C. Excavated material is disposed of pursuant to subsection 33.3.4: Disposal of Materials, and the project area's natural topography is maintained pursuant to subparagraph 36.5.1.A.

A condition of approval requires excavated material to be disposed of at a location approved by TRPA.

4. Chapter 37 – Findings for Additional Height

- 1) When viewed from major arterials, scenic turnouts, public recreation areas or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline.

The proposed project is not visible from state highways, scenic turnouts, public recreation areas or Lake Tahoe.

- 2) When outside a community plan, the additional height is consistent with the surrounding uses.

The location of the proposed two-story structure is in a residential neighborhood with one and two-story structure and is immediately adjacent to the North Tahoe High School that includes large two-story buildings and therefore, the height of the proposed structure is consistent with surrounding uses.

- 3) With respect to that portion of the building that is permitted the additional height, the building has been designed to minimize interference with existing views within the area to the extent practicable.

The proposed project site is within a forested neighborhood that does not offer views of background ridgelines or other scenic resources from adjacent roadways.

- 8) The maximum building height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height.

The maximum building height is 37 feet and the maximum building height at any corner of two exterior walls of the building is approximately 12 feet, which is less than 90 percent of the maximum building height.

5. Chapter 61 – Substantial Tree Removal

- A. Before tree-related projects and activities are approved by TRPA, TRPA shall find, based on a report from a qualified forester, that the project or activity is consistent with Chapter 61 and the Code. TRPA may delegate permit issuance to a federal, state, or other qualified agency through a memorandum of understanding.

A tree removal plan was prepared for the project by a Registered Professional Forester since the project includes substantial tree removal as defined in the TRPA Code of Ordinances. TRPA Code Section, 61.1.8: *Substantial Tree Removal*, states that substantial tree removal is activities on project areas of three acres or more and proposing the removal of more than 100 live trees 14 inches dbh or larger and that substantial tree removal projects shall be processed by the appropriate state and federal agencies in coordination with TRPA. Substantial tree removal on public parcels may be done in

accordance with an MOU or a plan must be prepared by a qualified forester and reviewed and approved by TRPA. TRPA Code, Section 2.2.1.A.h, requires the Governing Board approve substantial tree removal.

There is a total of 168 trees targeted for removal within the development footprint. Of the 168 trees assessed within the site's footprint, 43 trees are under 14 inches diameter at breast height (dbh).

Additional tree removal will occur in the 100 feet of defensible space around the development footprint (7 acres), where tree removal will only focus on those trees that are considered ladder fuels (less than 14" DBH) and larger trees that are hazards to life and property. Tree removal in the remaining forested area will focus on those trees that are considered a threat to life and property.