

ATTACHMENT A:

Required Findings & Finding of No Significant Effect

**REQUIRED FINDINGS & FINDING OF NO SIGNIFICANT EFFECT
FOR PHASE 2 HOUSING AMENDMENTS TO THE
TRPA CODE OF ORDINANCES**

This document contains required findings per Chapter 3 and 4 of the TRPA Code of Ordinances for amendments to the TRPA Regional Plan Goals and Policies LU-2.11 and HS-3.1 and TRPA Code of Ordinances Chapters 13, 30, 31, 34, 36, 37, 52, and 90, as part of the Phase 2 Housing Amendments.

Chapter 3 Findings: The following finding must be made based on the information submitted in the Initial Environmental Checklist:

Finding 3.3.2: The proposed amendments could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

Rationale: TRPA staff and Hauge Brueck Associates, a third-party consultant hired to assist with the Phase 2 Housing Amendments, prepared an Initial Environmental Checklist (IEC) pursuant to Article VI of TRPA Rules of Procedure and Chapter 3: *Environmental Documentation* of the TRPA Code of Ordinances to evaluate potential environmental effects of the proposed Regional Plan and Code amendments for the Phase 2 Housing Amendments. In accordance with Sections 6.12 of the TRPA Rules of Procedure, the IEC tiered from or referenced the following documents:

- TRPA 2012 Regional Plan Update (RPU) Environmental Impact Statement (EIS);
- 2018 Development Rights Strategic Initiative Initial Environmental Checklist and Finding of No Significant Effect;
- 2020 Linking Tahoe: Regional Transportation Plan & Sustainable Communities Strategy Initial Environmental Checklist and Mitigated Finding of No Significant Effect;
- 2021 Phase 1 Housing Amendments Initial Environmental Checklist; and the
- 2021 Air Quality Threshold Standard (AQ14) Update and Implementation Program (VMT Threshold Update) Initial Environmental Checklist and Finding of No Significant Effect.
- 2035: Regional Transportation Plan/Sustainable Communities Strategy (RTP)

The Regional Plan Update EIS is a program-level environmental document that includes a regional cumulative scale analysis and a framework of mitigation measures that provides a foundation for subsequent environmental review. The proposed amendments to the Regional Plan and TRPA Code of Ordinances would not change overall development caps or growth control programs analyzed in the Regional Plan. As such, the Phase 2 Housing Amendments are an element of the

growth that was anticipated in the 2012 RPU and evaluated in the 2012 RPU EIS.

This IEC evaluates the potential environmental impacts of the proposed amendments with respect to the 2012 RPU EIS to determine what level of additional environmental review, if any, is appropriate. Based on the information contained within the IEC, the proposed amendments would not have a significant effect on the environment and TRPA staff prepared a finding of no significant effect in accordance with TRPA's Rules of Procedure Section 6.6 and Code of Ordinance Section 3.3.2.

These amendments, as described in the staff report, will become part of the Regional Plan. Proposed changes are programmatic and not specific to any site location nor any development project. Future projects will still be subject to environmental review and analysis in accordance with the TRPA Regional Plan.

Finding 4.4.1.A: The proposed amendments are consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Community Plan/Plan Area Statements, the TRPA Code of Ordinances, and other TRPA plans and programs.

Rationale: The proposed amendments are consistent with and will help implement Regional Plan Goals and Policies that encourage the redevelopment of town centers, directing development from more sensitive areas to centers, and encouraging densities and a development pattern that promotes walking, bicycling, and provides a demand for transit. The amendments provide incentives that are targeted at deed-restricted housing for households that make less than 120% Area Median Income (AMI) or work at least 30-hours per week for a local employer, thus increasing housing opportunities in suitable locations for the residents and local workers of the region. In addition to supporting the goals and policies in Area Plans, the amendments would directly support the implementation of the following Regional Plan Goals and Policies:

- LU-1.2 Redeveloping town centers is a high priority.
- LU-3.3 Development is preferred in and directed toward centers.
- LU-4.1 Centers are where sustainable redevelopment is encouraged.
- Goal HS-1 Promote housing opportunities for full-time and seasonal residents and well as workers employed within the region.
- Goal HS-2 To the extent feasible, without compromising the growth management provisions of the Regional Plan, the attainment of threshold goals, and affordable housing incentive programs, moderate income housing will be encouraged in suitable locations for the residents of the region.

- T-1.1 Support mixed-use, transit oriented development, and community revitalization projects that encourage walking, bicycling, and easy access to existing and planned transit stops.

TRPA finds that the amendments are consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Community Plans, Plan Area Statements, the TRPA Code of Ordinances, and other TRPA plans and programs.

Finding 4.4.1.B: The proposed ordinance and rule amendments will not cause the environmental threshold carrying capacities to be exceeded.

Rationale: As demonstrated in the completed IEC, no significant environmental effects were identified as a result of the proposed amendments, and the IEC did not find any thresholds that would be adversely affected or exceeded. As found above, the amendments are consistent with and will help to implement the Regional Plan.

The proposed amendments were evaluated against all adopted threshold compliance measures (see Exhibit B). The amendments to the Regional Plan, Code, and Fees will not negatively impact compliance measures such as Water Quality/SEZ, Air Quality/Transportation, and Scenic compliance measures.

The amendments do not increase the total amount of land coverage region-wide anticipated in the Regional Plan Update. The amendments allow for higher land coverage limits inside of and near town centers but requires additional land coverage to be transferred from equal or more sensitive areas, thus resulting in the relocation of coverage from more sensitive to less sensitive lands.

The amendments incentivize the remaining residential bonus units to be constructed within centers and multi-family zones, closer to employment and service centers, with better connections to transit, sidewalks, and bicycle infrastructure. As described in more detail in the IEC, development of the remaining bonus units in and near centers is assumed to reduce trips, trip length and impact on the region's highway system.

The amendments would allow additional height beyond what was analyzed in the Regional Plan Update. However, to earn the additional proposed height, projects would be required to make scenic resources findings, ensuring that there would be no impacts to the scenic threshold.

As stated above, the amendments do not affect the cumulative accounting of units of use as no additional residential, commercial, tourist or recreation allocations are proposed or allocated as part of this Regional Plan amendment. The amendments do not affect the amount of the remaining capacity available, as the remaining capacity for water supply, sewage collection and treatment, recreation and vehicle miles travelled have been identified and evaluated in the RPU EIS. No changes to the overall capacity are proposed in these amendments.

Finding 4.4.1.C: Wherever federal, state or local air and water quality standards are applicable for the Region, the strictest standards shall be attained, maintained, or exceeded pursuant to Article V(d) of the Tahoe Regional Planning Compact.

No applicable federal, state or local air and water quality standard will be exceeded by adoption of the amendments. The proposed amendments do not change the Federal, State or local air and water quality standards applicable for the Region. Projects developed under the proposed amendments will meet the strictest applicable air quality standards and implement water quality improvements consistent with TRPA Best Management Practices (BMPs) requirements and the Lake Tahoe Total Maximum Daily Load (TMDL). Federal, State, and local air and water quality standards remain applicable for all parcels in the region, thus ensuring environmental standards will be achieved or maintained pursuant to the Bi-State Compact.

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

Finding 4.5:

Rationale:

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

Finding 4.6:

To approve any amendment or adoption of the Code, Rules, or other TRPA plans and programs that implement the Regional Plan, TRPA shall find that the Regional Plan and all of its elements, as implemented through the Code, Rules, and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

Rationale:

As demonstrated in the IEC and threshold compliance measures table, the Regional Plan and all of its elements, as amended, will achieve and maintain the thresholds. The amendments are anticipated to help accelerate threshold gain in the Transportation and Sustainable Communities threshold and Scenic Threshold by supporting environmental development and redevelopment opportunities in walkable town centers and neighborhoods, and in areas visible from scenic resource areas.

Based on the foregoing: the completion of the IEC; the previously certified RPU EIS, RTP IS/ND/IEC, 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 amendments actively promote threshold achievement and maintenance by, *inter alia*, (1) incentivizing environmentally beneficial redevelopment, (2) requiring the installation of Best Management Practices improvements that are monitored and maintained by a local jurisdiction, or contributions to area-wide stormwater treatment for all projects, and (3) requiring conformance with Design Standards that will result in improvements to scenic quality, water quality, and air-quality. In addition, as found in Chapter 4 Findings 1 through 3, no element of the amendments 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.



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FINDING OF NO SIGNIFICANT EFFECT

Project Description: Phase 2 Housing Amendments to the TRPA Regional Plan, Code of Ordinances, and Fee Schedule.

Staff Analysis: In accordance with Article IV of the Tahoe Regional Planning Compact, as amended, and Section 6.6 of the TRPA Rules of Procedure, TRPA staff reviewed the information submitted with the subject project.

Determination: Based on the Initial Environmental Checklist, Agency staff found that the subject project will not have a significant effect on the environment.

TRPA Executive Director/Designee

Date