Attachment A
Required Findings/Rationale

Required Findings: The following is a list of the required findings as set forth in Chapters 4, 50, 61, and 66 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 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.

   The proposed project is consistent with the Regional Plan, including applicable Goals and Policies, the Washoe County Tahoe Area Plan, and the TRPA Code of Ordinances. The project involves the replacement and modernization of existing recreation support facilities at Incline Beach and does not expand beach access or recreation capacity. Based on the staff report, project application materials, Initial Environmental Checklist (IEC), and Application Review Checklist, there is sufficient evidence in the record to demonstrate that the project will not adversely affect implementation of the Regional Plan.

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

   TRPA staff completed the "Application Review Checklist" in accordance with Chapter 4.3 of the TRPA Code of Ordinances. The applicant also completed an Initial Environmental Checklist to evaluate potential environmental impacts. The analysis concluded that the project will not result in significant environmental impacts and will not cause the environmental threshold carrying capacities to be exceeded. Mitigation measures and conditions of approval included in the draft permit ensure compliance with applicable environmental standards.

   (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 TRPA Compact, the project meets or exceeds such standards.

   The project incorporates both temporary and permanent Best Management Practices to control erosion and stormwater runoff and includes payment of the required water quality mitigation fee. The project must also comply with all Washoe County and State of Nevada requirements. With these measures in place, the project will not adversely affect applicable air or water quality standards.

2. Chapter 50 – Required Findings:

   Code Section 50.8.1: Approval of additional recreation facilities shall only be permitted for projects for which the sponsoring entity demonstrates and TRPA finds that:

   A. There is a need for the project;
   B. The project complies with the Goals and Policies, the applicable plan area statements, and Code;

C. The project is consistent with the following TRPA maximum allowances for outdoor recreation:
1. 6,114 people at one time ("PAOT") in overnight facilities;
2. 6,761 PAOT in summer day-use facilities;
3. 12,400 PAOT in winter day-use facilities; and
4. Plus the allocations set forth in the plan area statements, or the pools of reserved PAOT capacity;
D. The project meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 4: Required Findings, as they are applicable to the project's recreational service capacity; and
E. If the project requires PAOT allocations, it is consistent with the TRPA Environmental Improvement Program.

IVGID has demonstrated a need to replace the existing beach house and related facilities, which are in poor condition and do not meet current public health and safety standards. Code 50.8.1.A. The project is consistent with the Regional Plan Goals and Policies, the Washoe County Tahoe Area Plan, and the TRPA Code of Ordinances because it replaces and modernizes existing recreation support facilities and does not expand beach access or recreation capacity.. Code 50.8.1.B. Because the project does not increase recreation capacity or beach access, no additional People at One Time (PAOT) allocations are required. The project therefore remains within the TRPA maximum PAOT allowances for outdoor recreation capacity. Code 50.8.1.C. The project also meets the applicable findings adopted pursuant to Article V(g) of the TRPA Compact as set forth in Chapter 4 of the TRPA Code. Code 50.8.1.D.

3. Chapter 61 - Tree Removal

Tree removal for development in conjunction with a TRPA permit shall be in accordance with the provisions of Chapter 61: *Vegetation and Forest Health* and Section 33.6: *Vegetation Protection During Construction*. Within non-stream environment zone (SEZ) urban areas, individual trees larger than 30 inches dbh that are healthy and structurally sound shall be retained as desirable specimen trees having aesthetic and wildlife value, unless no reasonable alternative exists to retain the tree, including reduction of parking areas or modification of the original design.

The project requires the removal of nine Jeffery Pines and one Aspen Tree. Five of the trees proposed for removal are greater than 30 inches diameter at breast height (dbh). The trees to be removed are within the proposed building footprints or within the area of the reconfigured access and parking lot. The proposed project is within the location of existing facilities to minimize site disturbance and limit the need for additional tree removal. Other mature trees on the site will remain and will contribute to scenic screening and site character. Vegetation protection fencing will be installed during construction to protect trees that are not approved for removal.

4. Chapter 66 – Required Findings:

Code Section 66.1.4: The project shall not cause a decrease in the 1982 roadway or shoreline travel route ratings as shown in Tables 13-6 and 13-7, respectively, of the *Study Report for the Establishment of Environmental Threshold Carrying Capacties*, October

1982. The criteria for rating travel routes as identified in the referenced study report and as further explained in the report entitled *A Scenic Analysis of Principle Travel Routes in the Lake Tahoe Region*, 1970, shall be used to determine if a project will cause a decrease in the numerical rating. For projects in the shoreland, Section 66.3 shall be used to determine if it will contribute to a decrease in the numerical rating for a shoreline travel route rating.

The subject parcel is within Shoreline Scenic Unit 23 (Crystal Bay), which is not in scenic attainment.

Because the project is within the shoreland, scenic impacts to Shoreline Scenic Unit 23 were evaluated under Section 66.3. The visual assessment for the proposed project was evaluated in accordance with the Visual Magnitude System under Level 5, Option 2, as set forth in Section 66.3.3 of the TRPA Code. Pursuant to Appendix H, Visual Assessment Tool, of TRPA's Design Review Guidelines, the subject site has a composite contrast rating score of 21. This is the minimum score for the desired square footage of visual magnitude. The composite score accounts for the project's use of non-reflective earthtone colors and materials, its use of existing mature trees for visual screening measures, and its one-story design which will keep the structure below the forest canopy. The total visible area allowed on the subject site is 6,902 square feet, while the visible area associated with the proposed project is 1,840 square feet, which is well below the allowable limit.

Code 66.1.5: The project shall not cause a decrease in any numerical subcomponent threshold rating or total threshold rating assigned to a scenic resource identified in the 1993 Lake Tahoe Basin Scenic Resource Evaluation. Prior to approving a project that may potentially affect an identified scenic resource, TRPA shall find that the project is consistent with applicable recommendations for preserving the scenic quality of the affected recreation area or bicycle trail found in the 1993 Lake Tahoe Basin Scenic Resource Evaluation.

The site is not visible from a designated Scenic Bikeway Segment, although it is visible from the Class 1 bike trail that runs along Lakeshore Boulevard. The project is located within Incline Beach, which is a designated Scenic Recreation Area. The project is consistent with applicable recommendations for preserving the scenic quality of the Incline Beach Recreation Area identified in the 1993 Lake Tahoe Basin Scenic Resource Evaluation. Existing trees will be preserved and utilized to provide screening between the proposed structures and Lake Tahoe. The structures will remain below the forest canopy and will utilize earthtone colors and nonreflective building materials.