

## REQUIRED FINDINGS FOR ADOPTION OF THE WASHOE COUNTY TAHOE AREA PLAN

Required Findings: The following Chapter 3, 4, and 13 findings must be made prior to adopting the WCTAP:

Chapter 3 Findings: The following finding must be made prior to adopting the WCTAP:

- (1) Finding: The proposed Washoe County Tahoe Area Plan 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 area plan. The IEC was prepared to evaluate the potential environmental impacts of the WCTAP and it tiers from and incorporates by reference specific analyses contained in the Regional Plan Update (RPU) Environmental Impact Statement (EIS), certified by the TRPA Governing Board on December 12, 2012.

The RPU EIS is a program-level environmental document that includes a regional cumulative scale analysis and framework of mitigation measures. The EIS provides a foundation for subsequent environmental review at an area plan level. Because the WCTAP is consistent with the Regional Plan, which was approved with a program-level EIS, the policies and objectives of the WCTAP are within the scope of the RPU EIS.

The IEC concludes that many potentially significant impacts are addressed by mitigation measures that were adopted as part of the RPU. All adopted mitigation measures required by the Regional Plan will be implemented as part of the WCTAP.

Subsection 13.3.1 of the TRPA Code of Ordinances states that all plans, policies, and regulations in the Regional Plan and the Code of Ordinances shall remain in effect unless superseded by the provisions of an area plan. As a result, existing baseline conditions for the purposes of the IEC reflect current 2020 conditions. These conditions include the following policy documents in effect for the Washoe County portion of the Tahoe Basin:

- a. Regional Plan.
- b. Regional Transportation Plan.
- c. TRPA Code of Ordinances
- d. Incline Village Commercial Community Plan
- e. Incline Village Tourist Community Plan
- f. Nevada North Stateline Community Plan
- g. Ponderosa Ranch Community Plan
- h. The following Plan Area Statements:
  1. PAS 019 – Martis Peak

2. PAS 030 – Mount Rose
3. PAS 033 – Stateline Point
4. PAS 034 – Crystal Bay
5. PAS 035 – Crystal Bay Condominiums
6. PAS 036 – Incline Village #4 / Ponderosa
7. PAS 037 – Lakeview
8. PAS 038 – Wood Creek
9. PAS 039 – Incline Village #2
10. PAS 040 – Incline Village #1
11. PAS 041 – Incline Village #3
12. PAS 042 – Incline Village #5
13. PAS 043 – Chateau / Country Club
14. PAS 044 – Fairway
15. PAS 046 – Incline Village Residential
16. PAS 047 – Tunnel Creek
17. PAS 049 – Mill Creek
18. PAS 050 – Mt. Shadows
19. PAS 051 – Tyrolian Village
20. PAS 052 – Incline Ski
21. PAS 053 – Incline Lake
22. PAS 055 – East Shore
23. PAS 056 – Marlette Lake

The WCTAP largely carries through existing policy from the community plans and plan area statements. Only targeted changes are proposed. These include the following:

- a. Consolidating, adding, deleting, and modifying existing goals and policies to eliminate obsolete language and respond to current conditions.
- b. Adopting former community plan and plan area statement boundaries as new county regulatory zones.
- c. Making modifications to permissible uses:
  1. Removing the following uses from the Ponderosa Ranch regulatory zone: food and beverage retail sales and outdoor amusements.
  2. Adding the following allowable uses, subject to special policies, in the Special Area of the Ponderosa Ranch regulatory zone: amusements and recreation services, business support services, animal husbandry.
  3. Adding the following allowable uses to Special Area #1 of the Incline Village Commercial regulatory zone: residential care and nursing and personal care.
  4. Making day use recreation an allowable, rather than special, use in the Fairway regulatory zone outside of the Special Area.
- d. Implementing incentives for development within Town Centers including the following:
  1. Allowing additional height of up to 56 feet, where the development meets greenhouse gas reduction requirements.
  2. Allowing an increase in maximum multi-family residential density from 15 units per acre to 25 units per acre.

3. Allowing an increase in maximum hotel/motel and timeshare density from 15 units per acre to 40 units per acre, when more than 10 percent of units contain kitchens.
4. Increasing the maximum amount of transferred coverage for sites on high-capability lands to 70 percent.
- e. Consolidating the local jurisdiction development rights pools for commercial floor area (CFA), tourist accommodation units (TAUs) and residential bonus units (RBUs) into a single countywide pool.
- f. Requiring the following projects to meet a designated greenhouse gas reduction standard:
  1. New public buildings.
  2. Development outside of a Town Center that seeks an allocation of CFA or TAUs from Washoe County.
  3. Development within a Town Center that seeks to use the 56-foot maximum height standard.
- g. Modifying locally adopted zoning and development standards, including the following:
  1. Providing an administrative approval process, rather than variance, for reduction of front setbacks on corner and steeply sloping lots.
  2. Allowing private garages to be constructed in the common parcel within the Tyrolian Village regulatory zone.

The IEC evaluated the adoption and implementation of the proposed WCTAP. The WCTAP will become part of the Regional Plan and will replace the four existing community plans and 23 existing plan area statements. The IEC considered replacement of these plans with the WCTAP and the potential environmental impacts associated with implementing the WCTAP over its 20-year plan horizon. The proposed land use amendments are consistent overall with the TRPA Conceptual Regional Land Use Map adopted as part of the RPU.

The IEC is a program-level document. No specific development projects are proposed at this time, nor were any specific projects analyzed with the IEC. All future projects within the WCTAP boundaries are subject to the project-specific environmental review and permitting process as prescribed in the TRPA Code of Ordinances. Project-level environmental documents will require identification of, and mitigation for, any potentially significant environmental effects.

The IEC assessed potential for impacts to the affected physical environment that may result from implementation of the WCTAP. Based on review of the evidence, the analysis and conclusion in the IS/IEC determined the implementation of the WCTAP will not have a significant impact on the environment beyond what was evaluated in the RPU EIS. All potential significant impacts will be mitigated or addressed through implementation of the RPU.

Chapter 4 Findings: The following finding must be made prior to adopting the WCTAP:

- (1) Finding: The proposed Area Plan is 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: Regional Plan Policy LU-4.6 encourages local jurisdictions to develop area plans that improve upon existing plan area statements and community plans. These area plans are intended to be more responsive to the unique needs and opportunities of the various communities in the Tahoe Region. The WCTAP includes all required elements identified in Regional Plan Policies LU-4.8, LU-4.9, and LU-4.10. This is evidenced in the Conformance Review Checklist (Attachment F).

The WCTAP was prepared in conformance with the substantive and procedural requirements of the Regional Plan, as implemented through Chapter 13, *Area Plans*, of the Code of Ordinances. The WCTAP contains all required contents in an area plan and is consistent with the Lake Tahoe Regional Plan and TRPA Code of Ordinance, as shown in the Conformance Review Checklist (Attachment C) and the IEC. When implemented, the WCTAP will have a beneficial impact on the Regional Plan's ability to achieve and maintain thresholds.

Pursuant to Code Section 4.4.2, TRPA considers, as background for making the findings required by Subparagraphs A through C of Subsection 4.4.1, the proposed project's effects on the following:

- Compliance measures, which are the implementation actions that are necessary to achieve and maintain thresholds.
- Supplemental compliance measures, which are actions that TRPA could implement if the compliance measures are inadequate to achieve and maintain thresholds.
- Threshold indicators, which are adopted measurable physical phenomena that relate to the status of threshold attainment or maintenance.
- Other factors, such as indirect measures of threshold status and funding levels for Environmental Improvement Program (EIP) projects.
- Interim and target dates for threshold achievement.

TRPA identifies and reports on threshold compliance measures, indicators, factors, and targets in the Threshold Evaluation Reports, which are prepared pursuant to TRPA Code of Ordinances Chapter 16, *Regional Plan and Environmental Threshold Review*.

TRPA relies upon a plan's accompanying environmental documentation, staff's professional analysis, and prior plan level documentation, including findings and EISs, to reach the fundamental conclusions regarding the 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. In order to increase its analytical transparency, TRPA has prepared worksheets related specifically to the Subsection 4.4.2 considerations. These worksheets identify the E compliance and supplemental compliance measures, the 151 indicators and additional factors, and interim and final targets.

Based on the IEC, the RPU EIS, and the RPU and Regional Transportation Plan (RTP) findings made by the TRPA Governing Board, the Section 4.4.2 staff analysis contained in Attachment E, and using applicable measurement standards consistent with the available information, the WCTAP will not adversely affect applicable compliance and supplemental compliance measures, indicators, additional factors, and attainment of targets by the dates identified in the 2015 Threshold Evaluation. The WCTAP incorporates and/or implements relevant compliance measures, and with the implementation of the measures, future development that could occur under the WCTAP would not result in adverse effects. With respect to some measures, the anticipated effects would be positive.

TRPA anticipates that implementation of the WCTAP will accelerate threshold gains as demonstrated below. Because the principal beneficial impacts of WCTAP implementation depend upon the number and size of redevelopment projects, the specific extent and timing of beneficial effects cannot be determined at this time. However, pursuant to Chapter 13, *Area Plans*, of the TRPA Code of Ordinances, TRPA will monitor all development projects within the WCTAP through quarterly and annual compliance reports. These reports will be presented to the Governing Board annually for area plan recertification and used every four years to evaluate the status and trends related to thresholds.

Subparagraph 4.4.2.B also requires TRPA to disclose the impact of the proposed plan on its cumulative accounting on units of use (e.g. residential allocations, commercial floor area, etc.). The WCTAP does not affect the overall 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 area plan, would, however, merge five separate development rights pools into a single pool. This change furthers compliance with the Regional Plan by enabling additional commercial floor area currently available in Washoe County development rights pools to be used within the designated Town Centers, where no additional commercial floor area is currently available. For specific development projects within the WCTAP, accounting for units of use, resource utilization, and threshold attainment will occur as part of the review and approval process.

Similarly, Subparagraph 4.4.2.C requires TRPA to confirm whether the proposed plan is within the remaining capacity for development (e.g. water supply, sewage treatment capacity, etc.) identified in the environmental documentation for the Regional Plan. The WCTAP does not affect the amount of the remaining capacities available, as identified and discussed in the RPU EIS. The WCTAP does not allocate capacity or authorize any particular development. To the extent the

WCTAP enables the use of redevelopment incentives, those incentives are within the scope of the incentives analyzed by the RPU EIS.

TRPA therefore finds that the WCTAP 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 of Ordinances, and other TRPA plans and programs.

- (2) Finding: The proposed ordinance will not cause the environmental threshold carrying capacities to be exceeded.

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

TRPA has reviewed the proposed WCTAP against the 222 compliance measures and supplemental compliance measures, the 151 indicators and additional factors that measure threshold progress, and threshold target and interim attainment dates. The WCTAP will not adversely affect applicable compliance measures, and target dates as identified in the 2015 Threshold Evaluation indicator summaries. TRPA anticipates that implementation of the WCTAP will accelerate threshold gains as demonstrated below. Because the principal beneficial impacts of the WCTAP depend upon the number and size of the redevelopment projects, the specific extent and timing of effects cannot be determined at this time. However, pursuant to Chapter 13, *Area Plans*, of the TRPA Code of Ordinances, TRPA will monitor all development projects within the WCTAP through quarterly and annual reports. These reports will then be used to evaluate the status and trend of thresholds every four years.

The WCTAP does not affect the overall 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 area plan, would, however, merge five separate development rights pools into a single pool. This change furthers compliance with the Regional Plan by enabling additional commercial floor area currently available in Washoe County development rights pools to be used within the designated Town Centers, where no additional commercial floor area is currently available. Accounting for units of use, resource utilization, and threshold attainment will occur as part of the review and approval process for individual projects.

The WCTAP 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. Therefore, TRPA finds that the WCTAP will not cause 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: No applicable federal, state, or local air or water quality standard will be exceeded by adoption of the WCTAP, based upon the following documents:

- WCTAP IEC
- RPU EIS
- 2015 Threshold Evaluation Report

The proposed area plan does not affect or change the federal, state, or local air or water quality standards applicable for the Region. Projects developed under the WCTAP 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) and the Washoe County Sediment Load Reduction Plan (SLRP). Federal, state, and local air and water quality standards remain applicable for all parcels in the WCTAP, thus ensuring environmental standards will be achieved or maintained pursuant to the Tahoe Regional Planning Compact.

(4) Finding: The Regional Plan and all of its elements, as amended, achieve and maintain the thresholds.

Rationale: **A. 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) requires that TRPA, in collaboration with Tahoe's other regulatory agencies adopt "environmental threshold carrying capacities" establishing goals for a wide array of environmental criteria including water quality, air quality, and wildlife. Second, Article V(c) directs 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 Agency*, 739 F. Supp. 2d 1260, 1265 (E. D. Cal. 2010).

The second phase in the 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 achieved 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 achieved and maintain thresholds by improving infrastructure and repairing environmental damage. In 1997, TRPA replaced this program with the “Environmental Improvement Program” (“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. *See 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 differ 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. Additionally, 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 government to create "one-stop" and "one permit" for small to medium sized projects where local governments wish to assume these duties.

On December 12, 2012, TRPA's nine-year effort culminated with the approval of the Regional Plan Update.

### **Regional Plan Update Amendments**

The Regional Plan Update ("RPU") uses multiple strategies targeting environmental improvements to accelerate achieving and maintaining threshold standards in the Region. First, the RPU maintains 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 increased availability of multi-modal transportation facilities. The implementation of the RPU will facilitate transferring existing development from outlying environmentally sensitive areas into existing urbanized town centers. The RPU provides incentives to that private capital can be deployed to speed this transformation.

Third, the RPU authorized the area plan process for communities and land management agencies in the Tahoe Region in order to eliminate duplicative and unpredictable land use regulations that deterred private improvement projects. Area plans, created pursuant to Chapter 13 of the TRPA Code of Ordinances, also allow TRPA and local, state, federal, and tribal governments to expand the types of projects for which local, state, federal, and tribal governmental 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 roadway 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 the Washoe County’s Tahoe Area Plan fulfills the role anticipated by the RPU and Regional Transportation Plan (RTP) and the expected threshold gain resulting from its implementation.

## **B. WASHOE COUNTY TAHOE AREA PLAN AND THRESHOLD GAIN**

The WCTAP accelerates threshold gain including water quality restoration and other ecological benefits by supporting environmental redevelopment opportunities and Environmental Improvement Program (EIP) investments. The WCTAP will help to accelerate environmental redevelopment within existing developed areas by allowing increased density and height provisions within areas appropriate to be included in Town Centers that serve as an incentive for private investment in redevelopment projects. These redevelopment incentives are intended to increase the rate of redevelopment and will likewise increase the rate of threshold gain by accelerating the application of controls designed to enhance water quality, air quality, soil conservation, scenic quality, and recreational improvements to projects that wouldn’t otherwise be redeveloped absent the WCTAP’s provisions.

The WCTAP’s establishes standards in Article 220 (“Tahoe Modifiers”) and Article 220.1 (“Design Standards and Guidelines”) of the Washoe County Development Code. These standards ensure pedestrian-friendly site planning and high-quality building design. Implementation of these standards as projects redevelop would result in benefits to multiple threshold areas, as described in more specific detail below.

### **1. Water Quality**

The 2015 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.

An accelerated rate of redevelopment within the WCTAP’s Town Centers will result in accelerated water quality benefits. Each redevelopment project is required to comply with strict development standards including water quality Best Management Practices (BMPs) and coverage mitigation requirements and will provide additional opportunities for implementing area-wide water quality systems.

## **2. Air Quality**

The 2015 Threshold Evaluation found that the majority of air quality standards are in attainment and observed change suggests that conditions are improving or stable. Actions implemented to improve air quality in the Lake Tahoe Region occur at the national, state, and regional scale. The US Environmental protection Agency and state agencies, such as the California Air Resources Board, have 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 the statewide level 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.

Facilitating projects with the approved area plans is an integral component in implementing regional air quality strategies and improvements at a community level. (TRPA Regional Plan Goals and Policies: Chapter 2, *Land Use*). Because the land use and transportation strategies identified in the WCTAP lead to implementation of the Regional Plan, they directly contribute to achieving and maintaining the Air Quality threshold.

One of the main objectives of the WCTAP is to encourage the redevelopment of the existing built environment within the three designated Town Centers and to provide access to recreational opportunities from walking and bike paths and improve access to transit. Replacing older buildings in Town Centers with newer, more energy-efficient buildings that take advantage of incentives offered in the area plan (e.g. additional height, cost-free allocation of commercial floor area, etc.) will also help to improve air quality and ensure the attainment of air quality standards.

TRPA's 2017 Regional Transportation Plan (RTP), *Linking Tahoe*, 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 the WCTAP would continue to promote higher density residential uses within one-quarter mile of transit.

As discussed in the Initial Environmental Checklist (IEC) prepared for the area plan, no significant increase in daily vehicle trips is expected to occur due to similar vehicle use patterns between the allowed uses and densities in WCTAP and the corresponding 23 plan area statements and four community plans. As such, no increase in vehicle trip generation over what was estimated for Regional Plan buildout by the TRPA in the RPU EIS is anticipated.

## **3. Soil Conservation**

The 2015 Threshold Evaluation found negligible change in the total impervious cover in the Region over the prior five years and the majority of soil conservation

standards are 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 SEZ restoration, recent improvements in the development rights program, and implementation of the area plans will continue to help achieve SEZ restoration goals.

The WCTAP does not propose an alternative comprehensive coverage management system as defined in Subparagraph 13.5.3.B of the TRPA Code of Ordinances. Future development projects in the WCTAP would be subject to permitting by the county and/or TRPA, and permit applicants would be required to demonstrate that proposed compaction and land coverage would be within the limits allowed in Chapters 30 and 53 of the Code.

As described in the Water Quality section (Section 1, above), the WCTAP will help to retain soils on-site through implementation of BMPs. Additionally, the transfer of development program will enable transfer of coverage from sensitive lands onto high-capability lands in Town Centers. Therefore, the WCTAP will help to accelerate threshold gain through soil conservation.

#### **4. Scenic Quality**

The 2015 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 percent of the evaluate scenic resource units met the threshold standards and no decline in scenic quality was documented in any indicator category.

Future development proposed within the WCTAP will be required to comply with the following WCTAP goals, policies, and implementing actions that contribute towards attainment of scenic thresholds:

##### *Goal LU6*

Strengthen economic activity in Incline Village and Crystal Bay by creating pedestrian-friendly environments in mixed-use and tourist regulatory zones with upgraded aesthetics, architecture, and landscaping. Reduce the visual prominence of parking lots and asphalt.

- Policy LU6-1 – Traditional Downtown
- Policy LU6-2 – New Tahoe Image
- Policy LU6-3 – Screening
- Policy LU6-4 – Utilities
- Policy LU6-5 – Crystal Bay Tourist Regulatory Zone
- Policy LU6-6 – Ponderosa Ranch Regulatory Zone
- Policy LU6-7 – Colorful Landscaping
- Action LU-7 – Design Standards and Guidelines Revisions

### *Goal C5*

Improve and protect the scenic quality and tranquility of the planning area. Protect and enhance scenic views and vistas from public areas. Ensure noise levels remain within the established thresholds.

- Policy C5-1 – Design Standards and Guidelines
- Policy C5-2 – Scenic Quality Improvement
- Policy C5-3 – Restrict Landscape Modification
- Policy C5-4 – Scenic Quality of Entrypoints
- Policy C5-5 – Highway 28 East Shore Corridor
- Action C-6 – Overhead and Above-Ground Utilities
- Action C-7 – Crystal Bay Condominiums Screening
- Action C-8 – Community Information Signage
- Action C-9 – Sign Regulation Enforcement

## **5. Vegetation**

The 2015 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 not currently 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 the century, many of the standards are expected to be attained.

The plan area is partially developed, with native vegetation on the undeveloped portions of the parcels. The proposed WCTAP would not alter or revise the regulations pertaining to native vegetation protection during construction. Consistent with existing standards, future development would be required to comply with Section 33.6, *Vegetation Protection During Construction*, of the TRPA Code of Ordinances. 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.

Adoption of the WCTAP would not result in tree or vegetation removal. Future projects within the WCTAP would be subject to project-level environmental review. Removal of any native, live, dead, or dying trees would be required to be consistent with Chapter 61, *Vegetation and Forest Health*, of the TRPA Code of Ordinances.

## **6. Recreation**

The 2015 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 recreational 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. These

concerns may require the Region to revisit policies and goals for the recreation threshold standards.

The WCTAP contains numerous recreational opportunities within its boundaries, as described in Chapter 5, *Recreation* of the area plan. Popular recreational destinations within the WCTAP include Sand Harbor (part of Lake Tahoe Nevada State Park), the East Shore Multi-Use Trail, the Incline Flume Trail, the Mountain and Championship Golf Courses, Diamond Peak Ski Resort, and the two private beaches operated by the Incline Village General Improvement District (IVGID). The WCTAP includes goals and policies regarding maintaining, improving, and expanding recreational facilities. Recreation access is also enhanced through the construction of sidewalks and bike paths and by improving transit services. Development proposed within the WCTAP would be required to comply with applicable area plan policies related to improving and enhancing access to these recreational opportunities.

## **7. Fisheries**

While the 2015 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 WCTAP will not alter the Resource Management and Protection regulations in Chapter 60 through 68 of the TRPA Code of Ordinances. Chapter 63, *Fish Resources*, includes provisions to ensure the protection of fish habitat and provide for the enhancement of degraded habitat. Development within the WCTAP could benefit the Fisheries Threshold through goals and policies aimed at restoration of SEZs and implementation of BMPs.

## **8. Wildlife**

The 2015 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 WCTAP would be subject to project-level environmental review and permitting. At that time these projects would be required to demonstrate compliance with all federal, state, local, and TRPA regulations pertaining to the protection of animal species. (Section 62.4 of the TRPA Code). 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 and the presence of suitable habitat for the species in or near the project area. TRPA's existing policies and code provisions address potential impacts to special-status species through site-specific environmental review, development and implementation of project-specific measure 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 (Subsection 61.3.6 and Section 62.4 of the TRPA Code).

Implementation of the proposed WCTAP would not result in the reduction in the number of any unique, rare, or endangered species of animals, including waterfowl. Future redevelopment projects would 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 in Chapters 62, *Wildlife Resources*, and 63, *Fish Resources*, of the TRPA Code of Ordinances. While the WCTAP allows for some alterations in land use, density, and heights, it does not propose specific new development or amendments that threaten protection of listed species or their habitat, and do not affect policies that protect biological resources.

## **9. Noise**

The 2015 Threshold Evaluation found that ambient noise level in seven of nine land use categories are in attainment with standards. However, because of 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.

The proposed WCTAP maintains existing Community Noise Equivalent Level (CNEL) standards contained in the existing 23 plan area statements and four community plans. Therefore, an increase in CNEL would not occur as a result of the area plan.

Code of Ordinances Subsection 68.8.3 requires that all substantial transportation project in transportation corridors that are not in attainment of adopted CNEL standards to incorporate mitigating design features to achieve adopted standards. As documented in the IEC, the WCTAP would result in a small increase in vehicle travel and traffic volumes on roadways; however, the potential increase

in traffic would not result in a noticeable increase in traffic noise, particularly given the size of the amendment area and the presence of existing transit services, which would reduce individual vehicle trips associated with new development. A noticeable increase in traffic noise (i.e. 3 dB) requires a doubling of traffic in the measurement area and the potential increase in vehicle trips would be a very small percentage above the existing baseline; therefore, no noticeable increase in traffic-related noise would occur as a result of the WCTAP.

### C. CONCLUSION

TRPA finds the Regional Plan and all of its elements, as amended by adopting the proposed WCTAP, achieves and maintains the thresholds, based upon the following:

- WCTAP IEC
- RPU EIS
- RTP Initial Study (IS) / Negative Declaration (ND) / IEC
- Findings for the adoption of the RPU

As described above in further detail, the WCTAP actively promotes threshold achievement and maintenance by, inter alia:

1. incentivizing environmentally beneficial redevelopment;
2. requiring the installation of BMP improvements for all projects in the area plan;
3. requiring conformance with the Development Code and Design Standards and Guidelines, as applicable, which will result in improvements to scenic quality and water quality.
4. facilitating multi-use development in proximity to alternative modes of transportation in order to reduce vehicle miles travelled (VMT); and
5. incorporating projects identified in the county's Sediment Load Reduction Plan (SLRP) 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 WCTAP interferes with the efficacy of any of the other elements of the Regional Plan. Thus, the Regional Plan, as amended through the adoption of the WCTAP, will continue to achieve and maintain thresholds.

Chapter 13 Findings: The following finding must be made prior to adopting the WCTAP:

- (1) Finding: The proposed 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.

Rationale: Regional Plan Policy LU-4.6 encourages development of area plans that supersede existing plan area statements and community plans or other TRPA regulations. This process allows area plans to be responsible to the unique needs and opportunities of communities. Overall, the proposed WCTAP land use map is

consistent with the TRPA Conceptual Regional Land Use Map adopted as part of the 2012 Regional Plan. The WCTAP includes policies and standards to address all applicable requirements in Chapter 13, *Area Plans* of the TRPA Code of Ordinances, as indicated below.

- (2) Finding: The WCTAP identifies all zoning designations, allowed land uses, and development standards throughout the area plan.

Rationale: The WCTAP establishes 27 regulatory zoning districts, which are based upon the boundaries of the former plan area statements (23) and community plans (4). The development code component sets the permissible uses and maximum densities for each of these zoning districts. The development code includes certain design standards. Additionally, a separate set of design standards and guidelines cover the four designated mixed-use and tourist zones. All regulations in the TRPA Code of Ordinance will continue to remain in effect unless superseded by the provisions of the WCTAP.

- (3) Finding: The WCTAP is consistent with all applicable Regional Plan Policies, including but not limited to the regional growth management system, development allocations, and coverage requirements.

Rationale: The WCTAP is consistent with all Regional Plan Policies as shown in the Conformance Review Checklist (Attachment C). The WCTAP does not propose any additional growth, allocations, or coverage beyond what was already anticipated for and analyzed by the Regional Plan Update.

- (4) Finding: The WCTAP demonstrates consistency with the Conceptual Regional Land Use Map.

Rationale: Washoe County is proposing to adopt the land use categories and boundaries as shown in the Conceptual Regional Land Use Map as its official Master Plan land use map. As a result, the proposed land use map is identical to the Conceptual Regional Land Use Map.

- (5) Finding: The WCTAP recognizes and supports planned, new, or enhanced Environmental Improvement Projects as part of an integrated plan to comply with Regional Plan Policies and provide Threshold gain.

Rationale: Chapter 4, *Conservation*, of the WCTAP identifies currently proposed EIP projects and includes the following goals, policies, and implementing actions that support future EIP projects:

*Action C-1 – Environmental Improvement Program*

Actively participate in the Lake Tahoe Environmental Improvement Program (EIP) and coordinate with other agencies to identify and secure funding for environmental improvement projects.

*Goal C4*

Actively protect and restore the natural, scenic, and cultural resources of the planning area in a manner consistent with the Regional Plan.

- Policy C4-1 – Incentivize Environmental Improvements
- Policy C4-2 – Capital Improvement Programming
- Policy C4-3 – Partnerships and Facilitation

*Goal IM1*

Pursue diverse funding and financing opportunities to complete needed improvements.

- Action IM-1 – Funding and Financing

*Goal IM2*

Establish and sustain effective cooperation among all levels of government, jurisdictions, and stakeholders to provide a comprehensive, integrated transportation and recreation system within the plan area.

- Action IM-2 – Seek Partnerships
- Action IM-3 – Public Land Management
- Action IM-4 – Transportation Planning
- Action IM-5 – Other Projects with Environmental Benefits

(6) Finding: The WCTAP promotes environmentally beneficial redevelopment and revitalization within Centers.

Rationale: The WCTAP promotes environmentally beneficial redevelopment and revitalization of the three designated Town Centers by encouraging transfers of coverage and development rights from sensitive lands. The plan further promotes redevelopment by providing Regional Plan incentives which may remove potential barriers to redevelopment. These incentives include the following:

- The ability to qualify for a maximum height of 56 feet.
- The ability to transfer additional coverage up to 70 percent of a site's area.
- Allowing additional residential density up to 25 units per acre.
- Allowing all tourist accommodation uses at 40 units per acre.

Beyond these incentives, the county plans to promote Town Center redevelopment by taking the following additional actions:

- Allowing projects in Town Centers to use additional commercial floor area allocations that are presently reserved for areas outside of the Town Centers.
- Setting a substitute density standard of 40 persons per acre for residential care and nursing and personal care uses.

As the plan is implemented, the county has further committed to identifying barriers and amending the plan to remove barriers (See Policy LU7-1, *Barriers to Redevelopment*).

- (7) Finding: The WCTAP preserves the character of established residential areas outside of Centers, while seeking opportunities for environmental improvements within residential areas.

Rationale: The WCTAP includes 16 residential-designated regulatory zones. The plan preserves the character of residential areas by carrying through all existing plan area statement permissible use standards, density standards, and special policies into the new regulatory zones. Only one substantive change is proposed: changing “Recreation – Day Use” from a special (“S”) use to an allowable (“A”) use in the Fairway regulatory zone.

To ensure that future amendments also preserve the integrity of residential neighborhoods, the plan also includes the following policies:

*Policy LU8-3 – Community Character*

Amendments to land use classifications, regulatory zones, or implementing documents should not significantly alter the historical land use pattern and desired community character within the planning area.

*Policy LU8-6 – Amendments Affecting Residential Regulatory Zones*

Residential zoning districts should provide complementary civic and minimal commercial uses. Residential zoning districts should only be amended to further strengthen their residential character or provide environmental improvement.

- (8) Finding: The WCTAP protects and directs development away from Stream Environment Zones and other sensitive areas, while seeking opportunities for environmental improvements within sensitive areas. Development in disturbed Stream Environment Zones within Centers may only be allowed if it reduces coverage and enhances natural systems.

Rationale: The plan continues to protect and direct development away from SEZs and other sensitive areas by enabling the transfer of development rights and coverage into Town Centers. Except where substitute standards are proposed, TRPA Code of Ordinances standards restricting development within SEZs would continue to apply. Additionally, the WCTAP includes the following goals, policies, and actions that promote preservation of sensitive lands:

*Policy C2-2 – Coverage Reduction*

Pursue opportunities for coverage reduction in all public and private redevelopment projects, with a priority towards low-capability lands. The Incline Village 5 regulatory zone is a high priority for land coverage retirement and restoration.

*Policy C2-5 – Restoration of Disturbed Lands*

Restoration of disturbed lands and mitigation of drainage and slope stabilization issues should be pursued. The Tunnel Creek regulatory zone is a high priority for restoring disturbed lands.

*Policy C2- 6 – Shorezone and Stream Environment Zones*

Restoration of the shorezone, stream environment zones, and fisheries should be encouraged. Prioritize restoration projects that have multiple benefits (e.g. water quality, fisheries, vegetation, etc.).

*Policy C5-3 – Restrict Landscape Modification*

Explore the establishment of codes to further restrict the unnecessary removal or alteration of trees, boulders, and natural landscape materials, except as may be required for health, safety, or welfare.

- (9) Finding: TRPA has utilized the load reduction plans for all registered catchments, or TRPA default standards when there are no registered catchments, in the conformance review of the WCTAP.

Rationale: The Washoe County Sediment Load Reduction Plan (SLRP) was consulted in the preparation and review of the WCTAP. Consistent with the provisions of the SLRP and the EIP, the area plan includes a list of currently proposed water quality projects. Additionally, it include the following goals, policies, and implementing actions:

*Goal C2*

Achieve Lake Tahoe Total Maximum Daily Load (TMDL) targets related to stormwater load reduction within the planning area.

*Policy C2-1 – Best Management Practices*

Explore implementing additional incentive programs to encourage all property owners to install and maintain best management practices (BMPs) on their property. Coordinate with TRPA to support the private property BMP certification program. Prioritize accelerating private property BMPs in locations and for land uses that have the greatest potential for pollutant loading to Lake Tahoe.

*Policy C2-3 – Lake Clarity Credit Program*

Continue to participate in the TMDL Program and Lake Clarity Crediting Program (LCCP), maintain stormwater load reduction plans (SLRPs), and implement the identified stormwater load reduction measures. This area plan incorporates by reference, all monitoring, operations, maintenance, and reporting required by the county's interlocal agreement with the Nevada Tahoe Conservation District to implement the Lake Tahoe TMDL and the adopted SLRP.

*Action C-2*

Coordinate with TRPA to prioritize BMP certification of private properties.

The Lake Tahoe TMDL Program 2017 Performance Report showed that across the Lake Tahoe Region, water quality projects and other implementation actions have led to an overall reduction of fine sediment pollutant loading reaching Lake Tahoe by 12 percent from 2004 baseline levels, a rate higher than the 10 percent target for 2016. In addition, the quantity of phosphorous and nitrogen washed into the lake has declined by 8.5 percent and 6 percent, respectively.

- (10) Finding: The WCTAP includes policies, ordinances, and other implementation measures to include building and site design standards for Town Centers that reflect the unique character of each area, respond to local design issues, and consider ridgeline and viewshed protection.

Rationale: The Design Standards and Guidelines adopted as Article 220.1 of the Washoe County Development Code apply to all development within the Town Center areas and serve as substitute standards to TRPA Code of Ordinances Chapters 34, *Driveway and Parking Standards*; 36, *Design Standards*; and 38, *Signs*. The site development and building design standards reflect the unique character of Incline Village and Crystal Bay, respond to local design issues, and consider view protection. In addition, the WCTAP includes the following goals, policies, and implementing actions:

*Goal LU6*

Strengthen economic activity in Incline Village and Crystal Bay by creating pedestrian-friendly environments in mixed-use and tourist regulatory zones with upgraded aesthetics, architecture, and landscaping. Reduce the visual prominence of parking lots and asphalt.

*Policy LU6-1 – Traditional Downtown*

Create a traditional small-town downtown in the Incline Village Commercial regulatory zone that serves residents' commercial needs. This regulatory zone should have a strong pedestrian orientation with multi-modal connections from nearby neighborhoods, reduce the visual prominence of automobiles, be aesthetically pleasing, and foster a sense of identity. Concentrated retail stores, restaurants, and offices should be included to promote the bustle and activity of a downtown.

*Policy LU6-2 – New Tahoe Image*

All new and remodeled projects should use architectural designs and materials which create a "New Tahoe" image, recreating traditional alpine architecture using modern technology. Examples of this style include the Incline Visitor Center and the IVGID Community Center. Projects are encouraged to provide outdoor plazas. Projects should maintain the essential elements of the community's forested setting through site design and building design. Site and building design should be oriented to the

pedestrian/bicycle path network. Pedestrian and bicycle connections between properties should be promoted.

*Policy LU6-5 – Crystal Bay Tourist Regulatory Zone*

Projects in the Crystal Bay Tourist regulatory zone should use architectural designs and materials which are unique to the North Stateline area and which strengthen the regulatory zone’s resort image.

*Action LU-7 – Design Standards and Guidelines Revisions*

Conduct a review of the design standards and guidelines for the planning area to determine if amendments could be made to remove barriers, facilitate redevelopment efforts, or more efficiently implement the community’s longstanding sense of place and identity. Updated design standards should fully consider how bicycle, pedestrian, and parking facilities can be fully blended and incorporated into site design standards.

*Policy LU8-5 – Amendments Affecting Town Centers*

Amendments to tourist and mixed-use zoning districts should ensure that regulatory zones retain their unique character and do not become overly similar.

(11) Finding: The WCTAP includes policies, ordinances, and other implementation measures to promote walking, bicycling, transit use, and shared parking in Town Centers, which at a minimum include continuous sidewalks or other pedestrian paths, bicycle facilities along both sides of all highways within Town Centers and to other major activity centers.

Rationale: Promoting walking, bicycling, transit use, and shared parking is the primary theme expressed in Chapter 3, *Transportation* of the WCTAP. The plan promotes implementation of the transportation improvements identified in various transportation plans, including the following:

- Regional Transportation Plan
- Active Transportation Plan
- Lake Tahoe Basin Transit Master Plan
- Mount Rose Highway Scenic Corridor Plan
- State Route 28 Corridor Plan
- Lake Tahoe Region Safety Strategy

The proposed improvements identified in the above plans are reflected in the area plan’s list of transportation projects and associated maps.

As set forth in Chapter 3 of the WCTAP, implementation of the area plan would result in the following improvements:

- Nearly 10 miles of new Class I multi-use paths connecting Crystal Bay and Incline Village Town Centers with residential areas, recreational facilities, the extended East Shore trail, and proposed multi-use trails in Placer County.

- Two mobility hubs (Incline Village and South Incline) and a transit center (Diamond Peak) to be served by more frequent and diverse transit options.
- New bike lanes along Mount Rose Highway and four collector roads.
- Establishment of regular bus service to Reno and a north-shore water shuttle.

The county has also committed to work with its implementing partners to take future actions that will further help to promote completion of an active transportation network and robust transit system:

*Action T-1 – Employer-Based Vehicle Trip Reduction*

Work with TRPA and the Truckee-North Tahoe Transportation Management Association to develop and implement an employer-based vehicle trip reduction program targeting businesses with over 100 employees.

*Action T-2 – Access Management Standards*

Develop and apply access management regulations consistently throughout the plan area.

*Action T-3 – Plowing of Multi-Use Trails*

Develop a plan for plowing sidewalks and multi-use trails. Plowing schedules should prioritize routes within Town Centers and high-traffic multi-use trails that connect Town Centers with residential and recreation areas.

*Action T-4 – Short-Range Transit Plan*

Develop a short-range transit plan focused on the Incline Village and Crystal Bay areas.

*Action T-5 – Parking Management Plan*

Work with TRPA and the Truckee North Tahoe Transportation Management Association to develop and implement a comprehensive approach to parking management in the planning area.

(12) Finding: The WCTAP includes policies, ordinances and other implementation measures to address the form of development within Town Centers and requiring the projects promote pedestrian activity and transit use.

Rationale: Beyond the direct transportation-related programs and projects discussed above, the area plan seeks to improve transportation efficiency by promoting compact, mixed-use development in Town Centers. This concept is reflected in the following goal and policies:

*Goal LU2*

Create land use patterns that are consistent with the community’s vision, reduce the need to travel, and increase access to transit.

- Policy LU2-1 – Focus Development towards Town Centers

- Policy LU2-2 – Retail and Restaurant Uses
- Policy LU2-5 – Cultural Facilities
- Policy LU2-6 – Incline Village Tourist Regulatory Zone
- Policy LU2-7 – Crystal Bay Tourist Regulatory Zone
- Policy LU2-9 – Single Family Residential in the Incline Village Commercial Regulatory Zone

Design Standards and Guidelines (Article 220.1 of the Development Code) provide further direction regarding site design and accommodation of multi-modal transportation facilities.

The WCTAP carries through the permissible uses in the three existing community plans that correspond with the Town Center overlay. These community plans already permit retail commercial, tourist, and multi-family residential uses. The only change proposed is to add “residential care” and “nursing and personal care” to Incline Village Commercial’s Special Area #1 as allowable (“A”) uses. This change is intended to promote the development of senior housing within the Town Center in close proximity to the hospital.

- (13) Finding: The WCTAP includes policies, ordinances, and other implementation measures to ensure adequate capacity for redevelopment and transfers of development rights into Town Centers.

Rationale: The WCTAP promotes environmentally beneficial redevelopment and revitalization of the three designated Town Centers, since those Town Centers serve as receiving areas for TRPA transfer incentives. The Town Center overlay includes the entirety of the Incline Village Commercial and Crystal Bay Tourist regulatory zones and a portion of the Incline Village Tourist regulatory zone. High-capability parcels within the overlay are suitable for redevelopment or infill and qualify for incentives when development is transferred from less-suitable locations within the Tahoe Region. Applicable incentives relate to transfers of land coverage (TRPA Code Subsection 30.4.2, Subparagraphs B and C), transfers of residential development rights (TRPA Code Section 51.3), and transfers of existing development (TRPA Code Section 51.5).

To encourage redevelopment, the WCTAP merges the five pre-existing development rights pools into a single countywide pool. This enables use of these rights within Town Centers.

Redevelopment within Town Center can be accomplished by using development rights already considered under the Regional Plan. These can include any combination of the following:

- Obtaining development rights as assigned by Washoe County from the merged additional development rights pools.
- Reusing or converting existing on-site residential units of use (RUUs), commercial floor area (CFA), and/or tourist accommodation units (TAUs);
- Transferring development rights from another property.

- Receiving bonus development rights from TRPA as a result of transferring rights from a less-suitable site.

(14) Finding: The WCTAP includes policies, ordinances, and other implementation measures to identify an integrated community strategy for coverage reduction and enhanced stormwater management within Town Centers.

Rationale: The WCTAP includes an integrated community strategy for coverage reduction and enhanced stormwater management. Development Code Section 110.220.40, Subsection 3 requires that coverage be reduced on-site on parcels with coverage in excess of 70 percent. The area plan does not propose an alternative stormwater quality treatment approach at this time but envisions the potential for such a program to develop in the future if assessment districts are formed. Instead, each parcel will be responsible for accommodating all necessary water quality treatment devices on-site, as is current practice.

(15) Finding: The WCTAP includes policies, ordinances, and other implementation measures to demonstrate that all development activity within Town Centers will provide for and not interfere with Threshold gain, including but not limited to measurable improvements in water quality.

Rationale: The WCTAP implements the Regional Plan regulations pertaining to land coverage and water quality without alteration. All existing standards in Chapters 60 through 68 of the TRPA Code of Ordinances will continue to apply within the planning area.

As discussed in the Chapter 4 findings, which are incorporated herein by reference, implementation of the area plan will help to achieve and maintain thresholds through a variety of mechanisms. The primary mechanism is the incentivizing of environmentally beneficial redevelopment in Town Centers, which is anticipated to result in both water quality and scenic quality improvements as legacy development is replaced with development that complies with modern design and BMP regulations.

## **REQUIRED FINDINGS FOR ADOPTION OF AMENDMENTS TO THE CODE OF ORDINANCES**

### TRPA Code of Ordinances Section 3. 3 – Determination of Need to Prepare an Environmental Impact Statement

Finding: TRPA finds that the proposed Code amendment will not have a significant effect on the environment if certain mitigation measures are incorporated into and made a part of the project.

Rationale: An Initial Environmental Checklist (IEC) has been prepared to evaluate the effects of the proposed amendments to the Code of Ordinances (see Attachment F). The IEC found that the proposed Code amendments would not have a significant effect on the environment. Based on this finding of no significant effect (FONSE), no further environmental documentation is required. See also the Chapter 3 finding for the Washoe County Tahoe Area Plan (WCTAP) adoption.

### TRPA Code of Ordinances Section 4. 4 – Threshold-Related Findings

1. Finding: The project (amendment to the Code of Ordinances) is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code, and other TRPA plans and programs;

Rationale: The proposed amendments refer users of the WCTAP for new regulations (e.g. Design Standards and Guidelines) that pertain to development with the WCTAP boundary. The code amendments are consistent with the 2012 Regional Plan, including all applicable Goals and Policies, plan area statements, and maps; the Code; and other TRPA plans and programs. See also Chapter 4 findings for the WCTAP adoption.

2. Finding: The project will not cause the environmental threshold carrying capacities to be exceeded; and

Rationale: The proposed amendments are consistent with the threshold attainment strategies in the Regional Plan. As demonstrated in the EIS and findings for adoption of the 2012 Regional Plan, implementation of the Regional Plan, will not cause environmental threshold carrying capacities to be exceeded. The proposed amendments are consistent with and will implement revised provisions of the 2012 Regional Plan and WCTAP. See also the Chapter 4 Findings made for adoption of the WCTAP.

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: The proposed amendments would not adversely affect any state, federal, or local standards. See also the Chapter 4 Findings made for adoption of the WCTAP.

TRPA Code of Ordinances Section 4. 6 – Findings Necessary to Amend or Adopt TRPA Ordinances, Rules, or Other TRPA Plans and Programs.

Finding: 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 thresholds.

Rationale: As demonstrated in the findings for Sections 4.5 and 4.6 in the Regional Plan Update (Attachment E.2 of the December 12, 2012 Governing Board packet), the amended Regional Plan will achieve and maintain thresholds. The proposed amendments to the Code of Ordinances will implement the Regional Plan.

Based on the rationale for the foregoing findings, including the findings for adoption of the MAP, completion of the IS/IEC, and the findings made on December 12, 2012, for the RPU (all of which are incorporated herein by reference), TRPA finds 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. The TRPA Code of Ordinances amendments implement the WCTAP and the Goals and Policies of the Regional Plan, promote threshold gain, and do not conflict with any Regional Plan provision designed to achieve and maintain thresholds. See also the Chapter 4 Findings made for adoption of the WCTAP.



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**STATEMENT OF NO SIGNIFICANT EFFECT**

Project Description: Washoe County Tahoe 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.

A handwritten signature in blue ink, appearing to read "Mark T. G.", written over a horizontal line.

April 2, 2021

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TRPA Executive Director/Designee

Date