

## **5 TRPA-MANDATED SECTIONS**

### **5.1 EFFECTS FOUND NOT TO BE SIGNIFICANT**

Based on the significance criteria defined throughout this EIS, the following issue areas would result in no impact under each Regional Plan Update alternative and are not discussed in detail in this EIS.

#### **Agricultural Resources**

No lands are designated for agricultural use in the Tahoe Region; however, conservation lands may be used for non-intensive agriculture (Code Section 11.6). Non-intensive agriculture consists of activities that do not require substantial capital, labor, or heavy usage of technologies (e.g., pesticides and chemical fertilizers); grazing would be considered non-intensive agriculture (see Code Chapter 64 for livestock grazing regulations). The Regional Plan Update would not change the regulations related to non-intensive agricultural uses, and no impact to agricultural resources would occur.

#### **Transport and Use of Hazardous Materials**

The Regional Plan Update does not include new or revised policies relative to hazardous materials. While implementation of the Regional Plan Update would allow for construction and operation of projects that, depending on project-specific factors, would require the transportation, storage, use, and/or disposal of hazardous materials (e.g., paint, chemicals, solvents), the details of such activities would be addressed at the time projects are proposed and assessed pursuant to TRPA and other environmental review requirements. Various federal, state, and local regulations address the handling, transporting, and disposing of hazardous materials, including the Resource Conservation and Recovery Act, the Federal Motor Carrier Safety Administration, and county-level environmental management departments. The Regional Plan Update would not change the efficacy of these existing regulations, nor propose policies that would affect the transport or use of hazardous materials in the Region. Because there would be no policy changes from baseline conditions, no impact would occur.

#### **Mineral Resources**

The 1987 Regional Plan does not address issues related to mineral resources in the Tahoe Region, and no new or revised policies related to mining are proposed. Mining activities are not expressly prohibited; however, no mineral resource recovery sites are identified in the Tahoe Region. Therefore, no impact to mineral resources would occur with implementation of the Regional Plan Update.

#### **Paleontological Resources**

Surfaces in the Region were created by geologic uplift and have deep granitic bedrock and shallow surface soils. Because the Tahoe Region is not underlain with sedimentary rock formations (which are most likely to contain fossils), it is not likely to contain major paleontological resources. Therefore, no impact to paleontological resources would occur with implementation of the Regional Plan Update.

#### **Habitat Conservation Plans and Natural Community Conservation Plans**

No Habitat Conservation Plans or Natural Community Conservation Plans apply to the Tahoe Region. Thus, no impacts would be associated with implementation of the Regional Plan Update.

## 5.2 SIGNIFICANT ENVIRONMENTAL EFFECTS THAT CANNOT BE AVOIDED

Section 3.7.2(C) of the TRPA Code of Ordinances requires an environmental impact statement (EIS) to include “any significant adverse environmental effects that cannot be avoided should the project be implemented.” Environmental effects associated with implementation of the Regional Plan Update are discussed in Chapter 3, Affected Environment and Environmental Consequences of the Alternatives, and Chapter 4, Cumulative Impacts. Effects that would remain significant after implementation of available and feasible mitigation are listed below.

### GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

**Increase in GHG Emissions.** Implementation of any of the Regional Plan Update alternatives would result in some level of development and population growth during the plan horizon. Although many of the sustainability- and conservation-oriented land use and transportation policies and strategies of the five plan alternatives would reduce VMT, increase transit and non-motorized vehicle travel, and allow or encourage redevelopment that would improve energy efficiency, the combined influence of development and population growth occurring during the planning horizon of the Regional Plan Update would result in a substantial increase in overall GHG emissions (in contrast to GHG per capita) that would make a cumulatively considerable contribution to global climate change. This significant impact from increased GHG emissions would apply to all five alternatives.

With Mitigation Measure 3.5-1, “Implement Sustainability Measures with Performance Standards,” TRPA will require that GHG emissions from project-specific construction and operational activities permitted pursuant to and in accordance with the Regional Plan are reduced to the maximum extent feasible. At such time as a Sustainability Plan or Climate Action Plan (currently underway through a multiagency effort) is prepared and adopted for the Tahoe Region, TRPA will recognize and enforce the plan and measures recommended in that plan, as appropriate. Until that time, TRPA will continue existing practice to require measures developed on a project-specific basis. The policy will require implementation of measures for the reduction of GHG emissions generated by demolition and construction activity in the Region and by ongoing building and property operations. Where local ordinances already require GHG emission reductions consistent with the policy, no further action is necessary. Where local government ordinances do not adequately address GHG reduction practices, those practices will be implemented through local government and/or TRPA permitting activities. However, this mitigation would not reduce the impact to a less-than-significant level.

### HAZARDS AND PUBLIC SAFETY

**Health Hazards from Vector-borne Diseases.** Alternative 2 would prohibit throughout the Region the use of spraying and fogging techniques to distribute pesticides. If a West Nile virus outbreak were to occur, adult mosquito populations may not be effectively reduced without fogging and substantial adverse risks to public health could occur. Therefore, this impact would be potentially significant for Alternative 2. Vector control districts are already implementing all feasible methods to control mosquito populations and protect public health, including BMPs, source surveillance, source control and reduction, and public education. Without the ability to use fogging and spraying when determined necessary by vector control districts to control mosquito populations that could carry vector-borne diseases, impacts to public health would be potentially significant. No feasible mitigation is available to reduce the impact to a less-than-significant level.

## **5.3 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES**

A commitment of resources is irreversible and irretrievable when the use or consumption of such resources is neither renewable nor recoverable for use in the future. The commitment of resources refers to the use of nonrenewable resources such as fossil fuels, water, and electricity. Development, redevelopment, and restoration activities that could occur under the proposed Regional Plan Update alternatives would result in the irreversible and irretrievable commitment of energy and material resources during construction and operation of specific projects.

The five Regional Plan Update alternatives include varying levels of new development over the next 20 years, estimated to range from about a 2-percent increase in residential development in Alternative 1 to an approximately 10-percent increase in Alternative 5. The increase in commercial development could range from 6 percent under Alternative 1 to about 15 percent under Alternative 5. The alternatives provide different numbers and types of development allocations and different land use planning strategies to guide the location and density of new development, redevelopment, and the removal or transfer of existing development and restoration of land.

While none of the alternatives would substantially change the basic, existing Regional land use pattern (i.e., concentration of development in Community Plan areas and largely unchanged land use classifications), each would allow for some new development, redevelopment, and restoration. Therefore, energy would be expended in the form of gasoline, diesel fuel, and oil for vehicles equipment in support of construction and operation. Construction activities and demolition of existing facilities would generate non-recyclable materials, such as solid waste and construction debris. Electricity and natural gas would be expended for the construction and operation of future commercial, residential, and tourist uses and facilities. This would include irreversible changes associated with excavation, grading, and construction activities and would affect air quality, coverage, and water quality. These changes would be addressed through project-specific review and environmental analysis and implementation of site-specific mitigation measures; however, the potential for disturbance would represent an irreversible change. In addition, construction activities would entail the use of concrete, glass, plastic, and petroleum products, as well as an increase in energy consumption, which would be irreversible and irretrievable upon expenditure.

## **5.4 RELATIONSHIP BETWEEN LOCAL SHORT-TERM USES OF THE ENVIRONMENT AND THE MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY**

Chapter 3 of the TRPA Code of Ordinances requires a discussion of the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity. This requirement recognizes that short-term uses and long-term productivity are linked, and the opportunities acted upon in the near term have corollary opportunity costs in relation to foregone options and productivity that could have continuing effects well into the future.

This EIS assesses the effects of alternative policy directions for the Lake Tahoe Region. Because of the policy-oriented nature of the decisions that are to be made, the EIS is prepared at a programmatic level of analysis commensurate with the level of specificity of the Plan itself. As such, the Plan necessarily focuses on the potential effects of policies rather than specific projects. However, the Plan will be implemented through as-yet-undefined projects that will be accompanied by site-specific project review and environmental documentation

following approval of the Regional Plan. Those projects will result in the short-term use of the environment, with implications for the maintenance and enhancement of long-term productivity.

New residential, commercial, tourist, and recreational development projects could involve the use of raw land, including grading, clearing, and construction. Once committed to new development, it is unlikely that the land would be returned to a natural state in the near term. Effects on soils, habitat, and land uses from new development would be considered permanent. New residential development would be limited by remaining development rights and by the number of allocations authorized under each alternative, and would largely occur on vacant residential parcels within existing developed subdivisions.

To a greater or lesser degree, all alternatives accommodate or incentivize development and redevelopment of commercial, tourist accommodation, and multi-residential structures within urban centers where land is already disturbed. Under Alternatives 1 and 5, this would be in Community Plan areas that provide for such development, and the incentives to concentrate development in these areas would be very similar to existing conditions. In Alternative 2, development would be focused in the three Development Transfer Zones, and additional restrictions would be in place that could reduce the proportion of development concentrated in these areas. In Alternative 3, it would be focused in the designated Town Centers, Regional Center, and High Density Tourist District, and increased incentives would be offered that could increase the proportion of development that is concentrated in these areas. Alternative 4 proposes to concentrate new development and redevelopment in designated Pedestrian and Transit Oriented Development (PTOD) areas, and would offer more incentives than currently exist but less than Alternative 3. Because, to varying extents, the policies of all alternatives emphasize development and redevelopment of lands that are already largely disturbed, conversion of substantial areas of raw land to new development would not be expected with implementation of the Regional Plan Update. In addition, because of the necessary investment of resources, development and redevelopment in the Region would be expected to result in commitment of those lands to that land use and form for the foreseeable future, precluding other options and uses.

Each of the alternatives allows for or incentivizes the demolition of existing development on sensitive lands, including stream environment zones, and the restoration of those lands. While policies that encourage transfer of development rights from these areas to the urban centers vary by alternative, any demolition activities and restoration actions would result in short-term disturbance of these lands, and long-term improvements to the productivity of these sensitive lands would result in environmental benefits (e.g., water quality, soils, scenic) to the Region.

The Compact committed the Region to establish, attain, and maintain Environmental Threshold Carrying Capacities. These environmental thresholds provide standards for the Regional Plan, and supporting documents, to implement short-term actions to effectuate long-term productivity. Approval of any of the Regional Plan Update alternatives would renew the Region's commitment to long-term environmental improvement through control of growth and implementation of environmentally beneficial policies.

The Regional Plan Update alternatives would retain the established growth management system; continue the existing land use pattern; allow for or encourage transfer of development rights to appropriate areas; and, to varying degrees, incentivize removal or transfer of coverage or development rights from sensitive lands. All proposed alternatives would allow for some new development to occur, construction of which would result in short-term increases in the use of the environment. Construction activities would result in the use of energy and resources to prepare project sites and construct new facilities. Development of projects under the Regional Plan Update would result in short-term construction-related impacts such as interference with local traffic and circulation, air pollutant emissions, increases in ambient noise levels, disturbance of wildlife, and construction-related runoff.

Approval of any of the project development under the Regional Plan Update would commit sites within the Region to long-term development and would result in an increase in population by 2035, ranging from slightly more than 2 percent in Alternative 1 to about a 10-percent increase in Alternatives 4 and 5. This development and population increase would have associated impacts to biological resources; traffic and circulation; air quality and climate change; noise; water quality; and public services and utilities. However, through redevelopment in urban areas and transfer of coverage and development rights from sensitive lands, the Regional Plan Update would refine the land use pattern of the Region in a manner intended to sustain natural resources and support social and economic health.

## 5.5 GROWTH-INDUCING IMPACTS

Section 3.7.2(H) of the TRPA Code of Ordinances requires that an EIS evaluate the growth-inducing impacts of a proposed project. Growth can be induced by eliminating obstacles to growth or by stimulating economic activity in a way that encourages increases in population and housing in the Region. For the Regional Plan Update, the project is a long-term plan to balance the environmental, social, and economic needs of the Region and to accommodate growth in a manner consistent with attainment of the Environmental Threshold Carrying Capacities.

Although the Regional Plan Update neither proposes nor approves any specific development projects, each of the Regional Plan Update alternatives would allow some level of new development and redevelopment of specific types through authorization of residential allocations, commercial floor area, tourist accommodation units, and residential bonus units. By definition, therefore, the Regional Plan Update's allowance of new development would be growth inducing. The number and type of authorized allocations under each alternative are described in Chapter 2, Regional Plan Update Alternatives, and the environmental consequences of that growth are assessed in Chapter 3, Affected Environment and Environmental Consequences of the Alternatives.

Because the Region is nearing a build-out condition (approximately 90 percent of privately-owned parcels in the Region have been developed), the amount of growth attributable to new development under any Regional Plan Update alternative would be limited by the small proportion of undeveloped parcels in the Region that remain available for development and the growth management regulations that remain in effect under all alternatives. Much of the remaining undeveloped land that can support new development consists of residential parcels. Approximately 3,900 vacant, potentially buildable parcels remain for future development, or about 8 percent of the total residential parcels in the Region. Anticipated growth in regional population by 2035 is estimated to range from just over 2 percent for Alternative 1 to about 10 percent in Alternatives 4 and 5. Housing units are expected to increase over 2010 numbers in a similar range, from about 2 percent in Alternative 1 to about 10 percent in Alternative 5. Growth in employment during this period is expected to range from an increase of 3.5 percent in Alternative 1 to as much as 15 percent in Alternatives 3 and 5. By virtue of the nature and degree of its redevelopment incentives, Alternative 3 is expected to result in more redevelopment activity than any of the other alternatives, leading to more compact development in urban centers, improved transit and infrastructure efficiency, and restoration of sensitive lands outside of urban centers.

Existing and proposed goals, policies, and implementation measures address TRPA's ability to control growth in a manner that meets the requirement of the Tahoe Regional Planning Compact to establish a balance between the natural and built environments. Land use goals and policies require TRPA to direct the amount and location of new land uses in conformance with Environmental Threshold Carrying Capacities and the other goals of the Compact, and to specify the total additional development that may be permitted in the Region. Transportation policies are aimed at reducing vehicle miles traveled, providing efficient systems to move people and goods, and creating viable alternatives to the private automobile.

Alternatives 2 through 5 would all implement map revisions resulting from minor land use changes that have occurred since adoption of the 1987 Regional Plan, including acquisition of parcels by CTC, USFS, and NDSL. These alternatives would reclassify Van Sickle Bi-State Park from conservation to recreation. Both of these revisions would reduce the intensity of allowable land uses to conform to existing conditions. Alternative 4 would reclassify the Douglas County Dumpsite from conservation land to a special district, which would not change the intensity of existing uses at the site. However, Alternatives 3 and 5 also propose reclassification of land uses (250 acres adjacent to the High Density Tourist District in Alternative 3, boundary revision of PAS 087 in Alternative 5) that could result in development of vacant lands not currently contemplated for such land uses. These reclassifications could be growth inducing.

Growth allowed by any of the Regional Plan Update alternatives could require additional water, sewer, and wastewater facilities; fire protection services; and other infrastructure and public services. TRPA policies direct development to those areas that are suitable for development, including having infrastructure capacity, and allow the upgrading and expansion of public services and facilities to support existing and new development consistent with the Regional Plan.

In conclusion, implementation of the Regional Plan Update would result in the allowance of growth in residential, commercial, and tourist uses over the next 20 years, with the specific amount dependent upon the selected alternative. Such growth would generate additional traffic, noise, air pollutant emissions, and need for additional public services and utilities. Accordingly, the Regional Plan Update would be growth inducing. The effects of this growth, coupled with environmental and other policies proposed under each Regional Plan alternative, are assessed in various sections of this EIS. Implementation of the goals and policies and regional growth strategies described under each alternative would assure that this growth is consistent with the overall intent of the Tahoe Regional Planning Compact.