

Attachment A

Required Findings & Finding of No Significant Effect

Required Findings & Finding of No Significant Effect for Development Rights Strategic Initiative Amendments

This document contains required findings per Chapter 3 and 4 of the TRPA Code of Ordinances for amendments to the TRPA Regional Plan Goals and Policies LU-2.1 and DP-3.7 and TRPA Code of Ordinances Chapters 1, 3, 6, 11, 21, 31, 39, 50, 51, 52, and 90 as part of the Development Rights Strategic Initiative.

TRPA Code of Ordinances Section 3.3: Determination of need to prepare Environmental Impact Statement

Finding: TRPA finds that the Regional Plan and code amendments will not have a significant effect on the environment.

Rationale: TRPA staff and PlaceWorks, a third-party consultant for the Development Rights Strategic Initiative (DRSI), prepared an Initial Environmental Checklist (IEC) pursuant to Article VI of TRPA Rules of Procedure and Chapter 3: *Environmental Documentation* of the TRPA Code of Ordinances to evaluate potential environmental effects of the proposed policy and code amendments for the development rights system and residential bonus unit program, as seen in Attachment A, Exhibit 1. The IEC tiered from the TRPA 2012 *Regional Plan Update* (RPU) Environmental Impact Statement (EIS) and the TRPA *Mobility 2035: Regional Transportation Plan/Sustainable Communities Strategy* (RTP) EIS/Environmental Impact Report (EIR) in accordance with Sections 6.12j of the TRPA Rules of Procedure.¹

Under the proposed amendments, the background, overall development caps, growth control programs, and project-level environmental review requirements as analyzed in the RPU and RTP remain in place with no changes. Based on the information contained within the IEC, the proposed amendments would not have a significant effect on the environment and TRPA staff prepared a finding of no significant effect in accordance to TRPA's Rules of Procedure Section 6.6 and Code of Ordinance Section 3.3.2.

TRPA Code of Ordinances Section 4.4: Threshold Related Findings

Finding: The project (ordinance) 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;

¹ The TRPA Governing Board certified the RPU EIS and RTP EIR/EIS on December 12, 2012.

Rationale: The proposed amendments are consistent with and will not adversely affect the Regional Plan, including all applicable Goals and Policies (as discussed below), plan area statements and local planning areas, the Code and other TRPA plans and programs.

The proposed amendments add flexibility to support the usage of the TDR system and residential bonus unit program, remove barriers to environmentally beneficial redevelopment, and support land acquisition by local land banks. The proposed amendments are consistent with Regional Plan goals and policies limiting total development (LU-2.1), encouraging the rehabilitation and redevelopment of existing properties (LU-2.12), promoting redevelopment of Town Centers (LU-1.2, LU-3.3, LU-3.5), promoting housing opportunities (HS-1), and balance of economic/social health and the environment (LU-1.3). Additionally, the proposed amendments help to incentivize the transfer of development from sensitive lands to Centers (LU-2.7, LU-3.6) which is expected to improve water quality (WQ-1.4), and accelerate the restoration of disturbed SEZs (SEZ-1.1 and S-1.7).

The proposed amendments also facilitate attainment of Regional Plan Performance Measures (PMs) related to transfers of development from sensitive lands to TRPA designated Centers (PM 1, 2) and coverage removal from stream environment zones and other sensitive lands (PM8). The proposed amendments were evaluated against all adopted threshold compliance measures. The proposed amendments will not negatively impact any compliance measures such as the Water Quality/SEZ, Air Quality/Transportation, Noise, and Scenic compliance measures. (See Exhibit 3 attached hereto.)

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

Rationale: The proposed amendments will not cause the environmental threshold carrying capacities to be exceeded. The Regional Plan EIS analyzed full development build out potential within the Tahoe region. The findings for adoption of the Regional Plan demonstrated that implementation of the Regional Plan would not cause Environmental Threshold Carrying Capacities to be exceeded.

The proposed amendments include changes to the existing development rights system that allow greater flexibility for the movement of development rights from one location to another and remove procedural barriers that could hinder or impede environmentally beneficial redevelopment. The proposed conversion exchange rates between different land uses were designed to be

environmentally neutral. The proposed amendments will not change overall development caps (i.e. development potential) for the Tahoe region, growth control programs, or project-level environmental review as called for in the Regional Plan.

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 will not affect any state, federal, or local standards. The amendments are intended to attain and maintain adopted standards, as described above.

TRPA Code of Ordinances Section 4.5: Findings Necessary to Amend the Regional Plan, Including Goals and Policies and Plan Area Statements and Maps

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

Rationale: In 2012, TRPA found that the Regional Plan as revised would achieve and maintain thresholds. Those findings are incorporated by reference here and hereby readopted. No changed circumstances have occurred to require amendment.

The proposed amendments do not conflict with any Regional Plan provision designed to achieve and maintain thresholds. As discussed in finding 4.4 above, the proposed amendments will improve the implementation of threshold attainment strategies by encouraging environmentally beneficial redevelopment. Specifically, the proposed amendments allow greater flexibility for the movement of development rights from one location to another and remove procedural barriers that could hinder or impede the Transfer of Development Rights (TDR) system while retaining environmental protections, growth control programs, and development caps called for in the Regional Plan.

The TDR system incentivizes the transfer of existing development from sensitive or remote, outlying areas to Town Centers and areas more suitable for development. As a condition of approval, transfers from sending parcels recognized as sensitive require restoration of native habitats which facilitates the achievement of soil conservation, water quality, and wildlife thresholds and the Regional Plan Goals and Policies. Likewise, receiving parcels that benefit from the transfers are required to comply with current site and environmental standards upon redevelopment which accelerates the achievement of water quality and scenic thresholds. New or redevelopment are required to install or maintain stormwater best management practices and comply with design

requirements that preserve or improve scenic resources. Furthermore, the proposed amendments, as analyzed within the IEC, ensure environmental neutrality in the conversion of land use types and would not negatively affect air quality threshold attainment.

As a result of the foregoing, the Regional Plan, as amended by the DRSI proposals, will continue to achieve and maintain the adopted thresholds.

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 discussed within Section 4.4 and 4.5 above, the Regional Plan and all of its elements, as amended, achieves and maintains thresholds. The proposed amendments will improve the implementation of threshold attainment strategies by encouraging environmentally beneficial redevelopment.



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STATEMENT OF NO SIGNIFICANT EFFECT

Project Description: Development Rights Strategic Initiative Proposed Amendments to the TRPA Regional Plan Goals and Policies LU-2.1 and DP-3.7 and TRPA Code of Ordinances Chapters 1, 3, 6, 11, 21, 31, 39, 50, 51, 52, and 90.

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 black ink, appearing to read "Jennifer J. [unclear]".

TRPA Executive Director/Designee

August 9, 2018
Date