

**Required Findings & Finding of No Significant Effect
for Regional Plan and Code of Ordinances Amendments
to Implement Amendments to the Thresholds and Regional
Transportation Plan and to Adopt Revisions to the
Transportation Project Impact Assessment and Air Quality
Mitigation Fee Framework**

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 Chapters 2 (Land Use), 3 (Transportation), and 7 (Implementation) and TRPA Code of Ordinances Chapters 2, 3, 22, 34, 39, 50, 65, 82, and 90 as part of the adoption of the Regional Transportation Plan and revision to the Thresholds, and to update the Transportation Project Impact Assessment and Air Quality Mitigation Fee framework.

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 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 related to the adoption of an updated Vehicle Miles Travelled Threshold and Regional Transportation Plan. 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 Regional Plan's strategy and general approach to land use, transportation, conservation, recreation, and public services and facilities will remain in place unchanged. The changes are focused on (1) aligning with the updated Threshold for a per capita vehicle miles travelled standard; (2) aligning with the Regional Transportation Plan; and (3) updating the Transportation Project Impact Assessment and Air Quality Mitigation Fee framework. Based on information contained within the IEC, the proposed amendments would not have a significant effect on the environment and TRPA staff prepared a finding of no significant effect in accordance with TRPA's Rules of Procedure Section 6.6 and Code of Ordinance Section 3.3.2.

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

TRPA Code of Ordinances Section 4.4: Threshold Related Findings

Finding: The project (i.e., amendment of the Regional Plan and 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: Based on the analysis in the TRPA staff reports and the IEC for the proposed amendment of the Regional Plan and Code of Ordinances the Governing Board finds the amendments are consistent with and will not adversely affect the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, and local planning areas, the Code, and other TRPA plans and programs (as amended).

As described in the accompanying Staff Report and the IEC, the proposed amendments would align the Regional Plan and Code of Ordinances with the Regional Transportation Plan and the Thresholds. In doing so, the amendments are consistent with Regional Plan goals and policies that promote redevelopment of Town Centers (Policies LU-1.2, LU-3.3, and Transportation Policy 1.1), direct development away from distant areas (Policy LU-3.5), mitigate adverse impacts (Policy LU-5.1), promote affordable housing (Policy HS-3.1), reduce dependency on the automobile (Transportation Goal 2), and align with state and regional greenhouse gas reduction efforts (Policy AQ-1.3).

The proposed amendments were evaluated against all adopted threshold compliance measures. The proposed amendments will not negatively impact any compliance measures, including Air Quality/Transportation. See Exhibit B attached hereto.

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

Rationale: Based on the rationale for the foregoing finding, the analysis in the IEC, the Staff Report, and TRPA Compact V(g) Findings below, and the 2015 Threshold Evaluation (November 2016), the Governing Board finds that the proposed amendment of the Regional Plan and Code of Ordinances 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.

As described in the accompanying Staff Report and the IEC, the proposed amendment of the Regional Plan and Code of Ordinances will compliment and accelerate implementation of the Regional Plan and its objectives: achievement and maintenance of Thresholds while planning for reasonable growth. As explained in the approval consistency findings below and in the IEC, the amendments are consistent with the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code and other TRPA plans and programs with the mitigation measures included in the project. The approval findings relating to consistency and IEC consistency analyses are incorporated herein by reference.

The proposed amendments include changes to the Transportation Project Impact Assessment and Air Quality Mitigation Fee framework by basing impact assessment and mitigation on vehicle miles travelled (VMT) rather than daily vehicle trip ends (DVTE). The revised policies and standards were designed to be environmentally neutral, if not positive. The proposed amendments will not alter the requirement for project-level environmental review for subsequent development.

Based on the foregoing and findings 2, 3 and 4 below, the Governing Board finds that adopting the amendments will not adversely affect implementation of the entire Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs (as amended).

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: Based on the rationale for the foregoing findings, the analysis in the IEC and TRPA Compact V(g) Findings below, and the 2015 Threshold Evaluation, the Governing Board finds the proposed amendment of the Regional Plan and Code of Ordinances will not cause the federal, state and local air and water quality standards applicable for the Region to be exceeded.

The proposed amendment of the Regional Plan and Code of Ordinances itself will not affect or change the federal, state or local air and water quality standards applicable for the Region. As disclosed in the IEC, these standards

were used as criteria of significance where applicable and no unmitigable impacts were found.

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 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) required that TRPA, in collaboration with Tahoe’s other regulatory agencies, adopt “environmental threshold carrying capacities” (thresholds or standards) establishing goals for a wide array of environmental criteria, including water quality, air quality, and wildlife. Second, Article V(c) directed TRPA to adopt a regional plan to “achieve and maintain” these thresholds, and to “continuously review and maintain” implementation of the plan.

The 1980 Compact instated 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 issues; 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 this process was establishing a regional plan that, when implemented through rules and regulations, would ultimately achieve and maintain these thresholds over time. In 1987, following years of negotiation and litigation, TRPA adopted its Regional Plan. The 1987 plan employed a three-pronged approach to achieve and maintain the adopted environmental standards. First, the plan established a ceiling on development in the Region 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. 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 achieve and maintain thresholds by improving infrastructure and repairing environmental damage. In 1997, TRPA replaced this program with its 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. *Sierra Club v. Tahoe Reg'l Planning Agency*, 916 F.Supp.2d 1098 (E.D. Cal. 2013).

The proposed amendment of the Regional Plan and Code of Ordinances does not alter the findings made regarding the previously certified RPU EIS and RTP EIR/EIS's, and the findings made on December 12, 2012 for the RPU and RTP; TRPA finds the Regional Plan and all its elements, as amended by the 2021 RTP/SCS, will achieve and maintain the thresholds. The proposed amendment of the Regional Plan and Code of Ordinances would support existing Regional Plan policies and programs and would result in no significant impacts to thresholds. The proposed amendment of the Regional Plan and Code of Ordinances is also designed to promote and accelerate attainment of Regional Plan goals and policies, as well as the remaining thresholds. Thus, the Threshold Standard Amendment, will support the continued ability of the Regional Plan to achieve and maintain the thresholds.

As note above, in 2012, TRPA found that the Regional Plan as revised would achieve and maintain thresholds. Those findings are incorporated by reference herein 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 incentivizing environmentally beneficial redevelopment, reducing reliance on the automobile, and aligning with state and regional greenhouse gas reduction efforts.

As analyzed in the IEC, the proposed amendments would ensure environmental neutrality despite converting to a Project Impact Assessment framework that focuses on VMT rather than DVTE.

As a result of the foregoing, the Regional Plan, as amended, 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, reduced dependence on the automobile, and greenhouse gas reduction.

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STATEMENT OF NO SIGNIFICANT EFFECT

Project Description: Amendment to Regional Plan Chapters 2, 3, and 7; and amendment to the TRPA Code of Ordinances Chapter 2, 3, 22, 34, 39, 50, 65, 82, and 90 to align the Regional Plan and Code of Ordinances with the 2021 Regional Transportation Plan and revisions to the Threshold Standards.

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

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

TRPA Executive Director/Designee

Date