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STAFF REPORT

Date: January 15, 2020

To: TRPA Regional Plan Implementation Committee

From: TRPA Staff

Subject: Discussion and possible recommendation for Amendment to Chapter 84 of the TRPA Code of Ordinances regarding development standards for Stream Mouth Protection Zones

Summary and Staff Recommendation:

Staff recommends that the Regional Plan Implementation Committee recommend Governing Board approval of the proposed amendments to the Code of Ordinances. These amendments address implementation of the Shoreline Plan relating to utility infrastructure within a Stream-Mouth Protection Zone.

Required Motions:

In order to recommend adoption of the proposed ordinance amendments, the Regional Plan Implementation Committee must make the following motion(s), based on the staff summary:

- 1) A motion to recommend approval the Required Findings, as described in Attachment B, including a Finding of No Significant Effect, for adoption of the Code of Ordinance amendments as described in the staff summary; and
- 2) A motion to recommend adoption of Ordinance 2019-_____, amending Ordinance 87-9, to amend the Code of Ordinances as shown in Attachment A.

In order for the motions to pass, an affirmative vote of a majority of the quorum in attendance is required.

Background:

In October 2018, the Governing Board adopted the Shoreline Plan, a comprehensive program for regulating uses and structural development in the shorezone and lakezone. As part of that plan, TRPA designated Stream-Mouth Protection Zones (SMPZs) around the lake to protect important fish habitat. SMPZs generally represent the historical meander pattern of creeks and rivers tributary to Lake Tahoe that support, or could support if restored, migrating fish populations.

Within a designated SMPZ, no new structures are allowed. Maintenance and repair of existing structures are allowed; reconstruction, expansion, and modification, however, are prohibited. Though TRPA developed these restrictions with a focus on piers, buoys, and other moorings, the code language presently applies to all structures within the shorezone.

Structures within the shorezone include water-intake and sewer lines and public and quasi-public utility lines and appurtenant facilities (e.g. pumps) submerged in Lake Tahoe. Some of these lines are located within designated SMPZs. Submerged utility lines require periodic maintenance or modification in order to continue serving their customers. In some cases, older utility lines may no longer be serviceable and would require complete replacement rather than repair. As technology changes, service providers may also need to modify or reconfigure submerged infrastructure.

Under current code provisions, such reconstruction or modification to utility lines in SMPZs would not be allowable. Strict adherence to this provision could result in disruption of essential services to developed parcels if there are no feasible alternatives to replace a degraded utility line. In the most serious of cases, a wastewater line that has degraded beyond repair could discharge untreated sewage into the lake.

The Shorezone Steering Committee reviewed the proposed amendment and generally supported it. The League to Save Lake Tahoe supports the exemption within SMPZs as long as the reconstruction, modification, or expansion does not increase the service capacity of the utility provider. In response, TRPA staff notes that service capacity is regulated independently by TRPA's growth control mechanisms (i.e., development rights). The Tahoe Lakefront Owners Association generally supports allowing reconstructions, modifications for all structures including piers.

Amendment Description:

This proposal amends Chapter 84 of the TRPA Code of Ordinances as shown in Exhibit 1 to Attachment A. The proposed amendment would modify Subparagraph A.1.b, *Stream-mouth Protection Zones*, of Subsection 84.4.3, *Piers*. The amendment would specify that water-intake lines, wastewater lines, and other essential services may be repaired, replaced, upgraded, reconstructed, or expanded, as long as there is no increase in service capacity.

Environmental Review:

The Code amendment has been reviewed in an Initial Environmental Checklist (IEC) pursuant to Chapter 3: *Environmental Documentation* of the TRPA Code of Ordinances and Article VI of the Rules of Procedure. The IEC, which tiers from the Shoreline Plan Environmental Impact Statement (EIS), finds that the proposed amendments would not result in significant effects on the environment (see Attachment C).

Regional Plan Compliance:

The proposed amendments to the Code of Ordinances are consistent with the Shorezone and Fisheries Subelements, which are components of the Regional Plan's Conservation Element.

Contact Information:

For questions regarding this item, please contact Michael Conger, AICP, Senior Planner, at (775) 589-5221 or mconger@trpa.org.

Attachments:

- A. Adopting Ordinance
Exhibit 1: Code Amendments
- B. Required Findings/Rationale
- C. Initial Environmental Checklist (IEC)

Attachment A

Adopting Ordinance

TAHOE REGIONAL PLANNING AGENCY
ORDINANCE 2019-

AN AMENDMENT TO ORDINANCE NO. 87-9, AS PREVIOUSLY AMENDED, TO AMEND THE TRPA CODE OF ORDINANCES, CHAPTER 84 REGARDING UTILITY LINES WITHIN STREAM-MOUTH PROTECTION ZONES AND OTHER MATTERS PROPERLY RELATED THERETO

The Governing Board of the Tahoe Regional Planning Agency does ordain as follows:

Section 1.00 Findings

- 1.10 It is desirable to amend TRPA Ordinance 87-9 by amending the TRPA Code of Ordinances to further implement the Regional Plan pursuant to Article VI (a) and other applicable provisions of the Tahoe Regional Planning Compact.
- 1.20 The TRPA Code of Ordinances amendments were the subject of an Initial Environmental Checklist (IEC), which was processed in accordance with Chapter 3: *Environmental Documentation* of the TRPA Code of Ordinances and Article VI of the Rules of Procedure. The TRPA Code of Ordinances amendments have been determined not to have a significant effect on the environment and are therefore exempt from the requirement of an Environmental Impact Statement (EIS) pursuant to Article VII of the Compact.
- 1.30 The Advisory Planning Commission (APC) and the Governing Board have each conducted a noticed public hearing on the proposed TRPA Code of Ordinances amendments. The APC has recommended Governing Board adoption of the necessary findings and adopting ordinance. At these hearings, oral testimony and documentary evidence were received and considered.
- 1.40 The Governing Board finds that the TRPA Code of Ordinances amendments adopted hereby will continue to implement the Regional Plan, as amended, in a manner that achieves and maintains the adopted environmental threshold carrying capacities as required by Article V(c) of the Compact.
- 1.50 Prior to the adoption of this ordinance, the Governing Board made the findings required by Section 4.5 of the TRPA Code of Ordinances, and Article V(g) of the Compact.
- 1.60 Each of the foregoing findings is supported by substantial evidence in the record.

Section 2.00 TRPA Code of Ordinances Amendments

Ordinance 87-9, as previously amended, is hereby amended by amending the TRPA Code of Ordinances, as set forth in Exhibit 1.

Section 3.00 Interpretation and Severability

The provisions of this ordinance amending the TRPA Code of Ordinances adopted hereby shall be liberally construed to affect their purposes. If any section, clause, provision or portion thereof is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance and the amendments to the Regional Plan Package shall not be affected thereby. For this purpose, the provisions of this ordinance and the amendments to the Regional Plan Package are hereby declared respectively severable.

Section 4.00 Effective Date

The provisions of this ordinance amending the TRPA Code of Ordinances shall become effective on_____

PASSED AND ADOPTED by the Governing Board of the Tahoe Regional Planning Agency at a regular meeting held on _____, 2019, by the following vote:

Ayes:

Nays:

Abstentions:

Absent:

William Yeates, Chair
Tahoe Regional Planning Agency,
Governing Board

Exhibit 1 to Attachment A

Code Amendments

EXHIBIT 1

CODE AMENDMENT

Text to be added shown in ~~red with strikeout~~.

Text to be deleted shown in blue with underline.

Modify Subparagraph A.1.b of Subsection 84.4.3 to read as follows:

CHAPTER 84: DEVELOPMENT STANDARDS LAKEWARD OF HIGH WATER IN THE SHOREZONE AND LAKEZONE

84.3. PIERS

84.4.3. Development Standards

In addition to the general standards in subsection 84.3.2, mooring buoys are subject to the following standards:

A. General Standards

1. Stream-mouth Protection Zones.

- a. Designation Criteria: Stream-mouth Protection Zones shall generally represent the historical meander pattern of creek and rivers tributary to Lake Tahoe that support or could with restoration support migrating populations of fish. The designated area shall include all portions of the shorezone, including areas lakeward, if the designation is a linear distance from the stream-mouth.
- b. Development Restrictions: No additional shorezone structures shall be permitted in Stream-mouth Protection Zones. Maintenance and repairs to existing structures may be allowed; ~~Re~~reconstructions, expansions and modifications of existing structures shall be prohibited, except for private water-intake lines and public and quasi-public utilities, such as water, wastewater, power, gas, and communications services. Shorezone structures may only be relocated outside of Stream-mouth Protection Zones if authorized by other provisions of this Code.
- c. Adjustment in Zones: TRPA may adjust a Stream-mouth Protection Zone if an applicant can demonstrate that the location for a proposed project is outside of the historical meander pattern for the applicable stream or river. In order to make the necessary demonstration, the applicant shall select from a list of TRPA-approved experts to conduct an applicant-funded historical meander study.

d. The placement of a pier shall be prohibited within Stream-mouth Protection Zones of the following creeks and rivers:

- (i) Third Creek;
- (ii) Incline Creek;
- (iii) Wood Creek;
- (iv) Slaughterhouse Creek;
- (v) Upper Truckee River;
- (vi) Taylor Creek;
- (vii) Tallac Creek;
- (viii) Cascade Creek;
- (ix) Eagle Creek;
- (x) Lake Tahoe Tributary at Mouth of Paradise Flat;
- (xi) Lonely Gulch Creek;
- (xii) Meeks Creek;
- (xiii) General Creek;
- (xiv) McKinney Creek;
- (xv) Quail Creek;
- (xvi) Madden Creek;
- (xvii) Blackwood Creek;
- (xviii) Ward Creek;
- (xix) Truckee River;
- (xx) Dollar Creek;
- (xxi) Watson Creek;
- (xxii) Griff Creek;
- (xxiii) Baldy Creek; and
- (xxiv) Snow Creek.

Attachment B

Required Findings/Rationale

ATTACHMENT B

REQUIRED FINDINGS / RATIONALE

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

Finding: TRPA finds that the proposed Code amendments will not have a significant effect on the environment.

Rationale: An Initial Environmental Checklist (IEC) has been prepared to evaluate the effects of the proposed amendments to the Code of Ordinances (see Attachment C). The IEC found that the proposed Code amendments would not have a significant effect on the environment.

The proposed amendment is consistent with and will implement the Shoreline Plan. The amendment is minor in nature and are not anticipated to result in environmental effects. The proposed amendment is consistent with the assumptions and analysis supporting the [Shoreline Plan Environmental Impact Study \(EIS\)](#). As demonstrated in the EIS and accompanying findings, implementation of the Shoreline Plan will not result in an unmitigated significant impact on the environment or cause the environmental threshold carrying capacities to be exceeded.

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

1. Finding: The project (amendments 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 amendments are substantially consistent with the Shoreline Plan's project description, environmental baseline, and associated policies. The code changes are minor in nature and will not result in environmental effects. The code amendments are consistent with Regional Plan policies that call for establishment of adequate services and protection of liquid and solid wastes from entering Lake Tahoe. As such, the amendment will support the achievement and maintenance of thresholds. The amendments are consistent with all applicable goals and policies and implementing elements of the Regional Plan.

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 for the Shoreline Plan, implementation of the Shoreline Plan will not

cause the environmental threshold carrying capacities to be exceeded. The proposed amendments to the Code of Ordinances are intended to more effectively facilitate Shoreline Plan implementation.

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 amendment would not adversely affect any state, federal, or local standards. The amendment is intended to add an unintentionally omitted Code provisions, which will maintain consistency with the Shoreline Plan.

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 Chapter 4 [findings](#) for adoption of the Shoreline Plan (see Attachment C of the October 24, 2018 Governing Board packet), implementation of the Shoreline Plan will achieve and maintain thresholds. The proposed amendments to the Code of Ordinances will improve implementation of the threshold attainment strategies by providing a means to proactively replace and upgrade utility lines before deterioration causes impacts to the lake.

Therefore, the Code of Ordinances, as amended by the proposed amendments, and in combination with other regulatory programs, will attain and maintain thresholds.

Attachment C

Initial Environmental Checklist (IEC)



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INITIAL DETERMINATION OF ENVIRONMENTAL IMPACT CHECKLIST

Project Name:

Shoreline Code Amendment – Utilities in Stream-Mouth Protection Zones

Code Amendment Description:

This proposal amends Chapter 84 of the TRPA Code of Ordinances as shown in Exhibit 1 to Attachment A. The proposed amendment would modify Subparagraph A.1.b, *Stream-mouth Protection Zones*, of Subsection 84.4.3, *Piers*. The proposed modifications would specify that water-intake lines, wastewater lines, and other essential services may be repaired, replaced, upgraded, reconstructed, or expanded, as long as there is no increase in service capacity.

The project constitutes a minor amendment to Code of Ordinances provisions implementing the Shoreline Plan. The Shoreline Plan was adopted in October 2018 pursuant to an Environmental Impact Statement (EIS).

The Shoreline Plan EIS considered the potential for repair, replacement, modification, and expansion of shorezone structures throughout Lake Tahoe subject to certain provisions. These provisions include the prohibition of certain shorezone structures within designated Stream-Mouth Protection Zones (SMPZs): piers, boat ramps, buoys, floating platforms, general multiple-use facilities, and other moorings. Though the EIS never considered restricting modification of utility lines in an SMPZ, the adopting ordinance language specified that the restriction applies to all shorezone structures.

Under the proposal, the code of ordinances would be amended to allow for modification, replacement, and expansion of utility lines in SMPZs. Such activities are within the scope of Alternative 1, as it was considered in the Shoreline Plan EIS.

Because the amendment focuses on a minor amendment to code language, and the resulting policy remains within the parameters of Alternative 1, this amendment is not anticipated to result in any further impacts than what was already analyzed in the Shoreline Plan EIS. This IEC tiers from the Shoreline Plan EIS and considers only the potential for impacts of the amendment that were not otherwise addressed in the Shoreline Plan EIS.

The Shoreline Plan EIS, which is included by reference, is available at this link under the “Shoreline Plan” heading: <http://www.trpa.org/document/projects-plans/>

The following questionnaire will be completed by the applicant based on evidence submitted with the application. All "Yes" and "No, With Mitigation" answers will require further written comments.

I. ENVIRONMENTAL IMPACTS:

1. Land

Will the proposal result in:

a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Unstable soil conditions during or after completion of the proposal?

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?

- Yes
- No
- No, With Mitigation
- Data Insufficient

e. The continuation of or increase in wind or water erosion of soils, either on or off the site?

- Yes
- No
- No, With Mitigation
- Data Insufficient

f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?

- Yes No
- No, With Mitigation Data Insufficient

g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?

- Yes No
- No, With Mitigation Data Insufficient

2. Air Quality

Will the proposal result in:

a. Substantial air pollutant emissions?

- Yes No
- No, With Mitigation Data Insufficient

b. Deterioration of ambient (existing) air quality?

- Yes No
- No, With Mitigation Data Insufficient

c. The creation of objectionable odors?

- Yes No
- No, With Mitigation Data Insufficient

d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

- Yes No
- No, With Mitigation Data Insufficient

e. Increased use of diesel fuel?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

3. Water Quality

Will the proposal result in:

a. Changes in currents, or the course or direction of water movements?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

c. Alterations to the course or flow of 100-yearflood waters?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

d. Change in the amount of surface water in any water body?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

f. Alteration of the direction or rate of flow of ground water?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?

- Yes
- No
- No, With Mitigation
- Data Insufficient

h. Substantial reduction in the amount of water otherwise available for public water supplies?

- Yes
- No
- No, With Mitigation
- Data Insufficient

i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?

- Yes
- No
- No, With Mitigation
- Data Insufficient

j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?

- Yes
- No
- No, With Mitigation
- Data Insufficient

Discussion (Item 3.a, 3.e): Pursuant to the Shoreline Plan EIS, shoreline development under the parameters of Alternative 1 will not result in a significant water quality impact. This proposal is consistent with the description of Alternative 1.

4. Vegetation

Will the proposal result in:

a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?

- | | | |
|---|--|--|
| | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| d. Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora and aquatic plants)? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| e. Reduction of the numbers of any unique, rare or endangered species of plants? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| g. Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |
| h. A change in the natural functioning of an old growth ecosystem? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| | <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

5. Wildlife

Will the proposal result in:

- a. Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)?

- Yes No
- No, With Mitigation Data Insufficient

- b. Reduction of the number of any unique, rare or endangered species of animals?

- Yes No
- No, With Mitigation Data Insufficient

- c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?

- Yes No
- No, With Mitigation Data Insufficient

- d. Deterioration of existing fish or wildlife habitat quantity or quality?

- Yes No
- No, With Mitigation Data Insufficient

Discussion (Item 5.a, 5.b, 5.d): Pursuant to the Shoreline Plan, any utility project within a Stream Mouth Protection Zone would be required to comply with mitigation provisions in Section 84.11, *Mitigation* of the TRPA Code of Ordinances. This includes in-kind habitat replacement of 1.5:1. With incorporation of this provision, the Shoreline Plan EIS concludes that impacts would be less-than-significant.

6. Noise

Will the proposal result in:

- a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Area Plan, Plan Area Statement, Community Plan or Master Plan?

- Yes No
- No, With Mitigation Data Insufficient

b. Exposure of people to severe noise levels?

- Yes No
- No, With Mitigation Data Insufficient

c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?

- Yes No
- No, With Mitigation Data Insufficient

d. The placement of residential or tourist accommodation uses in areas where the existing CNEL exceeds 60 dBA or is otherwise incompatible?

- Yes No
- No, With Mitigation Data Insufficient

e. The placement of uses that would generate an incompatible noise level in close proximity to existing residential or tourist accommodation uses?

- Yes No
- No, With Mitigation Data Insufficient

f. Exposure of existing structures to levels of ground vibration that could result in structural damage?

- Yes No
- No, With Mitigation Data Insufficient

7. Light and Glare

Will the proposal:

a. Include new or modified sources of exterior lighting?

- Yes No
- No, With Mitigation Data Insufficient

b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?

- Yes No

No, With Mitigation Data Insufficient

c. Cause light from exterior sources to be cast off -site or onto public lands?

Yes No

No, With Mitigation Data Insufficient

d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?

Yes No

No, With Mitigation Data Insufficient

8. Land Use

Will the proposal:

a. Include uses which are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan, or Master Plan?

Yes No

No, With Mitigation Data Insufficient

b. Expand or intensify an existing non-conforming use?

Yes No

No, With Mitigation Data Insufficient

9. Natural Resources

Will the proposal result in:

a. A substantial increase in the rate of use of any natural resources?

Yes No

No, With Mitigation Data Insufficient

b. Substantial depletion of any non-renewable natural resource?

Yes No

No, With Mitigation Data Insufficient

10. Risk of Upset

Will the proposal:

- a. Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions?

Yes No

No, With Mitigation Data Insufficient

- b. Involve possible interference with an emergency evacuation plan?

Yes No

No, With Mitigation Data Insufficient

11. Population

Will the proposal:

- a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?

Yes No

No, With Mitigation Data Insufficient

- b. Include or result in the temporary or permanent displacement of residents?

Yes No

No, With Mitigation Data Insufficient

12. Housing

Will the proposal:

- a. Affect existing housing, or create a demand for additional housing?

To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:

- (1) Will the proposal decrease the amount of housing in the Tahoe Region?

Yes No

(2) Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates affordable by lower and very-low-income households?

No, With Mitigation Data Insufficient

Yes No

No, With Mitigation Data Insufficient

Number of Existing Dwelling Units: _____

Number of Proposed Dwelling Units: _____

b. Will the proposal result in the loss of housing for lower-income and very-low-income households?

Yes No

No, With Mitigation Data Insufficient

13. Transportation/Circulation

Will the proposal result in:

a. Generation of 100 or more new Daily Vehicle Trip Ends (DVTE)?

Yes No

No, With Mitigation Data Insufficient

b. Changes to existing parking facilities, or demand for new parking?

Yes No

No, With Mitigation Data Insufficient

c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?

Yes No

No, With Mitigation Data Insufficient

d. Alterations to present patterns of circulation or movement of people and/or goods?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

e. Alterations to waterborne, rail or air traffic?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

14. Public Services

Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas?

a. Fire protection?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

b. Police protection?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

c. Schools?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

d. Parks or other recreational facilities?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

e. Maintenance of public facilities, including roads?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

f. Other governmental services?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

15. Energy

Will the proposal result in:

a. Use of substantial amounts of fuel or energy?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

16. Utilities

Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:

a. Power or natural gas?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

b. Communication systems?

- Yes No
- No, With Mitigation Data Insufficient

c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?

- Yes No
- No, With Mitigation Data Insufficient

d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?

- Yes No
- No, With Mitigation Data Insufficient

e. Storm water drainage?

- Yes No
- No, With Mitigation Data Insufficient

f. Solid waste and disposal?

- Yes No
- No, With Mitigation Data Insufficient

Discussion (Items 16.a, 16.b, 16.e, 16.f): The proposal is anticipated to result in beneficial utility impacts, as it will provide a means of replacing and upgrading old submerged utility lines.

17. Human Health

Will the proposal result in:

a. Creation of any health hazard or potential health hazard (excluding mental health)?

- Yes No

No, With Mitigation Data Insufficient

b. Exposure of people to potential health hazards?

Yes No

No, With Mitigation Data Insufficient

18. Scenic Resources/Community Design

Will the proposal:

a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?

Yes No

No, With Mitigation Data Insufficient

b. Be visible from any public recreation area or TRPA designated bicycle trail?

Yes No

No, With Mitigation Data Insufficient

c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?

Yes No

No, With Mitigation Data Insufficient

d. Be inconsistent with the height and design standards required by the applicable ordinance or Community Plan?

Yes No

No, With Mitigation Data Insufficient

e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?

Yes No

No, With Mitigation Data Insufficient

19. Recreation

Does the proposal:

a. Create additional demand for recreation facilities?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Create additional recreation capacity?

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Have the potential to create conflicts between recreation uses, either existing or proposed?

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. Result in a decrease or loss of public access to any lake, waterway, or public lands?

- Yes
- No
- No, With Mitigation
- Data Insufficient

20. Archaeological/Historical

a. Will the proposal result in an alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records?

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Is the property associated with any historically significant events and/or sites or persons?

- Yes No
- No, With Mitigation Data Insufficient

d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?

- Yes No
- No, With Mitigation Data Insufficient

e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?

- Yes No
- No, With Mitigation Data Insufficient

21. Findings of Significance.

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?

- Yes No
- No, With Mitigation Data Insufficient

Discussion (Item 21.a): Pursuant to the Shoreline Plan, any utility project within a Stream Mouth Protection Zone would be required to comply with mitigation provisions in Section 84.11, *Mitigation* of the TRPA Code of Ordinances. This includes in-kind habitat replacement of 1.5:1. With incorporation of this provision, the Shoreline Plan EIS concludes that impacts would be less-than-significant.

b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)

- Yes No
- No, With Mitigation Data Insufficient

c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?)

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?

- | | |
|--|--|
| <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

Determination:

On the basis of this evaluation:

- a. The proposed project 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.


Yes No

- b. The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules and Procedures.

Yes No

- c. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this chapter and TRPA's Rules of Procedure

Yes No



Signature of Evaluator

Date January 13, 2020

Michael T. Conger, AICP, Senior Planner

Title of Evaluator