

4.8 LAND USE

This chapter describes the regulatory background, existing land uses of the project site and vicinity, and impacts of Alternatives 1 through 5 on land use.

4.8.1 REGULATORY BACKGROUND

Numerous federal, regional, state, and local laws, rules, regulations, plans, and policies define the framework for regulating land use in the Tahoe Basin. The following discussion focuses on land use requirements applicable to the Sierra Colina Village Project.

FEDERAL

Forest Service

The Lake Tahoe Basin Management Unit (LTBMU) of the U.S. Forest Service (USFS) is managed separately from the three National Forests to which it abuts: Tahoe, El Dorado and Inyo National Forests. National forests are managed on a multiple-use, sustained-yield basis for production of forage, wildlife, wood, fish, water, and outdoor recreation. Wilderness management, as well as protection of forest areas containing historic, scenic, geologic, ecological, or other special qualities, are included in the Forest Service's management policies. In the Tahoe Region, the management of USFS lands is guided by the LTBMU Forest Plan, adopted in 1988. Unique to the LTBMU Forest Plan are the emphases on watershed, wildlife and fisheries restoration, and outdoor recreation, and the de-emphasis on grazing and timber production. The USFS mission statement calls for the lands in the LTBMU to be managed, protected, and enhanced for the people. The USFS is in the process of revising and updating its Forest Plan through the Pathway process, a multi-agency land use planning effort taking place in the Basin. Forest Service holdings in the project area include Nevada Beach and Burke Creek (Rabe) Meadow west of the site across U.S. 50 and land adjacent to the east of the site.

Managing the risk of catastrophic wildfire in the Lake Tahoe Basin remains a priority for the LTBMU. The TRPA has modified its Code of Ordinances to improve the efficiency of implementing fuel reduction projects. According to the June 2006 report, "Fuel Reduction and Forest Restoration Plan for the Lake Tahoe Basin Wildland Urban Interface" (Holl et al. 2006), "the primary management objective in the wildland urban interface is fuel hazard reduction, with forest structure and wildlife habitat secondary objectives. In the general forest, forest structure and wildlife habitat are primary management objectives with fuels subordinate to those." TRPA and LTBMU are coordinating efforts to implement Basin-wide actions to address fuel hazards and community protection.

TAHOE REGIONAL PLANNING AGENCY

Regional Plan for the Lake Tahoe Basin

TRPA implements its authority to regulate growth and development in the Lake Tahoe region through the Regional Plan for the Lake Tahoe Basin. The Regional Plan includes the following: environmental threshold carrying capacities (adopted in 1982 and evaluated every five years since 1991), Goals and Policies (September 1986), Regional Transportation Plan—Air Quality Plan (1992), Water Quality Management Plan (1988), Scenic Quality Improvement Program (1989), Plan Area Statements (August 1987 and updated), and Code of Ordinances (May 1987 and updated). These documents are described below.

ENVIRONMENTAL THRESHOLD CARRYING CAPACITIES

In August 1982, TRPA adopted Resolution No. 82-11, establishing environmental threshold carrying capacities for the Lake Tahoe Region. These thresholds were created to provide a standard for which all projects and

activities would be measured to achieve the goals set forth in the TRPA Compact. TRPA threshold criteria have been established for nine environmental resource topics; Water Quality, Air Quality, Scenic Resources, Soil Conservation, Fish Habitat, Vegetation, Wildlife Habitat, Noise, and Recreation. The threshold standards define levels of (environmental) quality desired for the region. Each indicator is analyzed every 5 years to track the progress made toward achieving the thresholds. In September of 2007, TRPA issued the latest environmental threshold report and threshold environmental compliance forms were approved by the TRPA Governing Board.

TRPA is currently working with several Lake Tahoe public agencies on a Regional Plan update. This update is taking place through a process referred to as Pathway. The process is a collaborative effort between TRPA, the U.S. Forest Service (USFS), the Lahontan Regional Water Quality Control Board, and the Nevada Division of Environmental Protection. Completion of a Pathway 2007 report is expected by 2008. As part of the Pathway process, TRPA is assessing and potentially revising all nine thresholds. New research, science, and collaboration at the community level are helping to inform the Pathway process.

In April of 2007 the TRPA released to the public the April 2007 Threshold Update Environmental Assessment (EA) and the 2006 Draft Threshold Evaluation Report. The EA evaluates the proposal to revise some of the existing environmental thresholds while the Draft Threshold Evaluation Report presents the results of the evaluation of the 1982 Thresholds and recommends adjustments to the existing thresholds based on the results of the evaluation and on input from the Pathway process. In September of 2007, TRPA issued the environmental threshold report and threshold environmental compliance forms were approved by the TRPA Governing Board.

Both attainment and maintenance of the thresholds are required, and TRPA does not have flexibility in its enforcement when evaluating projects. In accordance with Chapter 6 Subsection 6.3.A(2) of the Code of Ordinances, TRPA may not approve a project if it will cause the carrying capacity of any of the nine TRPA thresholds to be exceeded. If a project would result in the carrying capacity of an identified threshold to be exceeded, mitigation must be adopted to reduce the impact and maintain the carrying capacity of the threshold. An impact that is considered significant based on these threshold criteria must be mitigated by avoidance, relocation, or removal of the identified project element that would create the impact (TRPA 1982). These thresholds are incorporated into the criteria of significance for each resource evaluation in Chapter 4.0 of this document.

GOALS AND POLICIES

The Goals and Policies document for the Regional Plan establishes an overall framework for development and environmental conservation in the Lake Tahoe region. TRPA goals and policies relevant to the Sierra Colina Village Project are included in each of the Goals and Policies document's six elements: land use, transportation, conservation, recreation, public services and facilities, and implementation (TRPA 2004).

REGIONAL TRANSPORTATION PLAN—AIR QUALITY PLAN

The purpose of the integrated Regional Transportation Plan — Air Quality Plan is to attain and maintain the Environmental Threshold Carrying Capacities established by TRPA in 1982 and all applicable federal, state, and local standards pertaining to air quality and transportation. TRPA Code of Ordinances, Chapter 91, establishes air quality control regulations.

WATER QUALITY MANAGEMENT PLAN

The Water Quality Management Plan (208 Plan) for the Lake Tahoe region fulfills TRPA's responsibilities under Section 208 of the federal Clean Water Act. The 208 Plan includes the Water Quality Management Plan, Handbook of Best Management Practices, Stream Environment Zone Protection and Restoration Program, and Capital Improvements Program for Erosion and Runoff Control (TRPA 1988).

SCENIC QUALITY IMPROVEMENT PROGRAM

The Scenic Quality Improvement Program presents the prescriptions for scenic restoration required to attain and maintain the scenic quality thresholds. It includes design review guidelines and development standards for different visual environments, assigns implementation responsibilities, and identifies potential funding sources (TRPA 1989).

TAHOE REGIONAL PLANNING AGENCY PLAN AREA STATEMENT

Chapter 13, “Plan Area Statements (PAS) and Plan Area Maps,” in the TRPA Code of Ordinances requires that all projects and activities be consistent with the provisions of a particular area’s applicable PAS. The Lake Tahoe Basin is divided into more than 175 separate Plan Areas. For each Plan Area, a “statement” is made as to how that particular area should be regulated to achieve environmental and land use objectives. PAS written text and maps provide specific land use policies and regulations for each planning area. Plan Area Statements were designed to serve, promote and protect the public health and safety as well as the general welfare and environment.

The project site (Assessor’s Parcel Number 1318-23-301-001) is an 18 acre parcel located in (and is the sole parcel in) Special Area #1 located within Plan Area 073 (Lake Village) (Exhibit 2-4). Plan Area 073 also includes the 325-unit Lake Village condominium development and the Lake Village Professional Building, both adjacent to the project site on its northern border, north of Lake Village Drive. Plan Area 073 is bordered by Plan Area 072 to the north and west, the Kingsbury Community Plan immediately adjacent to the south of the project site and Forest Service Land (part of Plan Area 060) to the east. A Roadway Scenic Travel Unit for U.S. 50 is within this PAS 073.

At the October 28, 1992 hearing, the TRPA Governing Board unanimously approved the transfer of the existing, undeveloped Sierra Colina parcel from PAS 060 (Genoa Peak) to PAS 073 (Lake Village), where the parcel became Special Area # 1 in PAS 073, allowing a density of 3 multifamily residential units per acre, compared to the only other parcel in PAS 073, the Lake Village subdivision, which has a density of 6 homes per acre. Expressly included among the permissible uses allowable on the Sierra Colina parcel under PAS 060 were one single-family dwelling and one secondary residence (with Transfer of Development Rights) as a special use. Since 1992, two different landowners have proposed residential development of the parcel, although neither proposal ever materialized. The current landowner acquired the Sierra Colina parcel in April 2005.

The primary land use classification for PAS 073 is residential. Permissible and allowable land uses for Special Area #1 of PAS 073 include single-family and multi-family dwellings, as well as some recreation, public service, and resource management (TRPA 2002). The prescribed maximum density of 3 units per acre in Special Area #1 is half the density of the other residential parcel in PAS 073 (Lake Village Condominiums have a density of 6 homes per acre). PAS 073 also includes a special designation as a Transfer of Development Rights receiving area for multi-residential units (i.e., development rights) which applies to Special Area #1. PAS 073 calls for the entire plan area to continue to serve as a medium-density residential area and for new development to maintain the existing character of the neighborhood. Special Policy #3 provides additional guidelines for development in Special Area #1 as follows:

Residential development in Special Area #1 shall not be eligible for the multi-residential incentive program. Access to Special Area #1 shall be from Lake Village Drive only. All buildings and parking areas shall be set back 200 feet from the U.S. 50 right-of-way.

The Multi-Residential Incentive Program establishes a system for evaluating projects and awarding certain projects bonus units (each bonus unit takes the place of the need for the project to obtain a development right for that unit) based on the project’s compliance with established criteria. The program is discussed in greater detail below. Limiting access to Special Area #1 from Lake Village Drive means that no driveway access would be available to the project site directly from Highway 50. The requirement

that all buildings and parking areas shall be set back 200 feet from U.S. 50 helps protect against development that could negatively impact the U.S. 50 scenic view corridor that extends through Stateline from the intersection of US 50 and SR 207 to Elks Point Road.

TAHOE REGIONAL PLANNING AGENCY CODE OF ORDINANCES

The TRPA Code of Ordinances establishes standards and regulations for implementation of the Regional Plan for the Lake Tahoe Basin. Public agencies and organizations in the Lake Tahoe Basin must comply with TRPA provisions or may establish equivalent or higher requirements in their jurisdiction. The Code of Ordinances is the coordination of a series of documents addressing environmental and land use planning issues in the Basin, including the Tahoe Regional Planning Compact, Environmental Threshold Carrying Capacities, Goals and Policies, the PAS and Maps, and other TRPA plans and programs.

Subdivision of Land – TRPA Regional Plan and Code of Ordinances Chapters 41 and 43

Among the ordinances applicable to the project site are Chapters 41 and 43, which form basin-wide policies regarding subdivision of land. Specifically applicable to the proposed project (Alternative 1) and Alternatives 3 and 4 are the following subsections of Chapters 41 and 43:

Subsection 41.3 sets forth limitations on new subdivisions. These limitations include the provision that new subdivisions shall not create new development potential in the Region and that new subdivisions shall be reviewed in accordance with the applicable provisions of the TRPA Code. Per 41.3 only certain types of subdivisions may be approved provided TRPA finds they not increase new development potential.

Subsection 41.3.A states those regulations guiding subdivision of land for the purpose of conveying land parcels to a public entity. These regulations include the standard that a parcel conveyed to a government agency or public entity shall be permanently restricted by deed or other covenant running with the land to the public service, public recreation, public resource management use, or open space.

Subsection 41.3.G states those restrictions guiding the subdivision of post 1987 projects. As the Sierra Colina project would result in a new development approved pursuant to the 1987 Regional Plan – the definition of “post 1987” would apply to the project. In regards to the subdivision of post 1987 projects the Code states:

41.3.G Subdivision of Post 1987 Projects: Subdivision through condominiums, community apartments, or stock cooperatives, within an existing urban area, in conjunction with the approval of a project associated with an approved transfer of development, or otherwise in accordance with the provisions of the Regional Plan and Code. In order to subdivide a project under this subsection, the project shall be new development approved pursuant to the 1987 Regional Plan, as amended, prior to the approval of the subdivision. The subdivision shall not result in a greater amount, a different location, or a greater rate of development than otherwise permitted by the Regional Plan and Code. Subdivision under this subsection shall be reviewed and approved in accordance with the applicable provisions of Chapter 43 of this Code.

In addition, with respect to the subdivision of Post-1987 Projects, Section 43.4.D of the TRPA Code of Ordinances states those regulations guiding the subdivision of moderate-income housing. Implementation of Alternatives 1 and 4 of the Sierra Colina Village project would result in the construction of moderate income homes and a subsequent subdivision of the project site; and therefore an evaluation of impacts under the applicable TRPA Moderate-Income Housing Ordinance would apply (For a full discussion of the requirements pertaining to subdivision of moderate-income housing see: Section 4.10, Population and Housing).

43.4.D Moderate Income Housing: Subdivision of moderate income housing projects, as defined in Subsection 41.2.F may be permitted provided TRPA finds that the resultant use qualifies as moderate

income housing and appropriate deed restrictions or other covenants running with the land are recorded to document the restriction of units to moderate income housing.

The proposed project includes a two-step planned unit development (PUD) subdivision (per TRPA Code Section 43.4) that would:

- ▶ Subdivide each residence in the PUD area into an individual parcel for private ownership, with its own building envelope, and retain all remaining area of the original parcel in common ownership (the ultimate size of this PUD parcel after the land conveyance described below would be approximately 6.17 acres including linear public facility [LPF] 3, and 5.65 acres excluding LPF 3); and
- ▶ Subdivide the project site into a PUD area and a permanent open space with conveyance of the approximately 10.7-acre open space area to a public entity – after construction of the proposed project and the proposed LPFs.

The proposed subdivision of the project site into single-family dwellings and common area would divide each residence into an individual parcel for private ownership following the multi-family approval and construction of the project and the LPFs. Individual parcels would include the footprint of the unit. Driveways would remain part of the common area. The covenants, conditions and restrictions (CC&Rs) of the HOA would provide that unit owners (i) will each have an easement over their driveway and walkway for their exclusive use and enjoyment; (ii) will each have an easement over a small area adjacent to and behind each residence for their exclusive use and enjoyment, including the right to fence such area; and (iii) are prohibited from constructing any coverage in such adjacent areas or elsewhere in the common areas. The CC&Rs will address other similar matters consistent with the conditions of the TRPA project permit and of all applicable Douglas County and State of Nevada permits and approvals.

The proposed project would also include the conveyance by the applicant of approximately 10.7 acres of the 18-acre project site to a public entity for the permanent preservation of open space. The land conveyance would include both the 2.4 acres of SEZ that are located on the project site and the proposed bicycle/pedestrian paths (LPFs 2, 4 and 5). Additionally, the segments of Burke Creek located on the project site would be protected by the recordation of an open space easement as they occur inside the SEZ within the Sierra Colina parcel. In the event that the proposed 10.7 acre conveyance to a public entity for its preservation as open space and public recreational access is infeasible or impermissible, the applicant would record a permanent open space and public recreational access deed-restriction on the same 10.7 acres. The proposed subdivision map is displayed in Chapter 2, Exhibit 2-5.

The proposed land conveyance would include a deed restriction, to be recorded against both the 10.7-acre land conveyance parcel and the remaining Sierra Colina project parcel (approximately 5.65 acres) to assign all remaining coverage (i.e., excluding the base allowed coverage associated with the area beneath the LPFs), density and development rights to the remaining Sierra Colina project parcel proposed for development.

At the time of its conveyance to a public entity, the approximately 10.7 acre land conveyance would be encumbered by a number of easements (to be determined) recorded against it. Examples would include: (i) easements for the construction and maintenance of approved LPFs; (ii) easements to provide construction and maintenance of needed BMP, water quality treatment facilities and/or snow storage with respect to either the approved LPFs or the proposed Sierra Colina Village development area, the proposed EIP #679 Phase II water quality project or the proposed Burke Creek Restoration EIP #161 project; (iii) easements to provide construction and maintenance of the BMP/water quality treatment needs of the existing, undeveloped 10.7 acre land conveyance or open space easement area; (iv) existing public utility water, sewer and electric easements on the parcel; and (v) other types of easements to be determined.

On August 22, 1995 TRPA's Legal Division published an analysis and explanation of TRPA's two-step subdivision process for post 1987 residential projects in the form of a memorandum to the TRPA Governing

Board The memorandum is entitled: “TRPA’s Two-Step Subdivision Process for Post-1987 Residential Projects” (TRPA 1995 [Appendix I]). The memorandum states that the two-step subdivision process was designed to be consistent with the policy of no new development potential while serving several goals of the regional plan. As stated in the memorandum these regional plan goals are:

1. Promoting the infill of development on high capability lands;
2. Redirecting development to more suitable areas;
3. Being consistent with the Bailey coverage coefficients;
4. Limiting IPES to single-family development;
5. Retiring sensitive parcels through development transfers; and
6. Avoiding the creation of new street networks.

The TRPA Legal Division memorandum concluded that the two-step subdivision process achieves the regional plan goals stated above by:

1. Insuring that post-1987 subdivisions do not create the potential for more coverage than that permitted by the Bailey coverage coefficients;
2. Limiting post-1987 subdivisions to high capability lands;
3. Prohibiting subdivision of land in non-urban areas;
4. Limiting subdivisions of post-1987 projects to PASs which permit multi-residential and single-family uses;
5. Creating receiving projects for transfers of development; and
6. Limiting development potential to that existing in July 1987.

Bonus Unit Incentive Program – TRPA Code of Ordinances Chapter 35

TRPA has established a Bonus Unit Incentive Program for the purpose of assigning multi-residential and tourist accommodation “bonus units”. This program is intended to provide an incentive for project applicants to improve environmental conditions and/or to build moderate-income and/or affordable housing. Pending approval of the proposed PAS amendment (which would make the Sierra Colina parcel eligible for the Multi-Residential Incentive Program [MRIP]) the project would be eligible to be considered for bonus units.

The Multi-Residential Incentive Program (MRIP) establishes a system for evaluating projects and awarding the project points based on the project’s compliance with established criteria (discussed below). A bonus unit awarded under the MRIP takes the place of the need for the applicant to acquire a development right for the unit. Pursuant to Chapter 35, Bonus Unit Incentive Program, of the TRPA Code of Ordinances, housing development projects proposing moderate-income housing (as defined by TRPA) and located within a jurisdiction maintaining a TRPA-certified Local Government Moderate-Income Housing Program, are eligible to receive bonus units for those moderate income units proposed. Additional bonus units are available for market rate units based on points obtained for mitigations, as outlined in 35.2.D of the TRPA Code of ordinances. However, bonus units received for multi-residential projects under Section 35.2 can be subdivided only if the resulting units are deed-restricted for moderate income or affordable housing (Section 43.4.C of the TRPA Code of Ordinances). Thus, any market rate bonus units obtained for mitigation as outlined in Section 35.2.D cannot be subdivided. (TRPA 2002). The inclusion of moderate-income housing does not replace the need for the project applicant to obtain residential allocations for each proposed unit pursuant to Chapter 33 of TRPA Code. The conditions under which multi-residential bonus units can be used, substituted, converted, subdivided, or any other action are described in the appropriate sections of TRPA Code of Ordinances.

To be eligible to receive market rate bonus units under the Bonus Unit Incentive Program, the project must both 1) meet a series of criteria (described below) and 2) propose certain mitigation measures as part of the project. To be eligible to receive deed-restricted bonus units under the Bonus Unit Incentive Program, the project must include affordable and/or moderate-income housing, which would make the applicant eligible to receive one (1) bonus unit for each such affordable or moderate income home in connection with an approved multi-residential project. The criteria for projects receiving multi-residential bonus units (as described in section 35.2.B of Chapter 35) are as follows:

1. The proposed density, including any multi-residential bonus units, shall not exceed the maximum density limits set forth in the plan area statement, applicable community or redevelopment plan, or this Code.
2. Multi-residential uses shall be designated in the plan area or community plan as an allowed use, or a special use for which the findings required in Section 18.1 have been made.
3. To be eligible for the Multi-Residential Incentive Program, the Plan Area shall have multi-residential uses as a permissible use.
4. Except for affordable housing units as defined in Chapter 2, an allocation shall be required pursuant to Chapter 33 in order to utilize multi-residential bonus units.
5. A maximum of 200 out of the 1,400 multi-residential bonus units shall be made available to moderate-income housing projects.

The mitigation measures with which a project must comply in order to receive bonus units are described in 35.2.D of Chapter 35. Per TRPA Code a number of points are awarded the project depending on the mitigation measure implemented. For instance, mitigation measure 35.2.D(7) states: *“projects proposing less land coverage than the maximum amount otherwise allowed in accordance with Chapter 20 shall receive one point for each such reduction of 600 square feet onsite.”* Each accumulation of 10 points gains the project approval of one residential bonus unit. Significantly, while a project must always comply with the criteria described in section 35.2.B (listed above) to receive bonus units, a project does not need to implement the mitigation measures described in section 35.2.D to receive points towards bonus units if the project proposes affordable or moderate-income housing. In the case where affordable or moderate-income housing is proposed, bonus units are assigned on the basis of project need.

For projects proposing to take advantage of the MRIP with inclusion of moderate-income housing, the local jurisdiction for which the project is located must establish and have certified by the TRPA Governing Board a Moderate-Income Housing Program (Section 35.2.E of Chapter 35). On December 6 and 7, 2006 the Douglas County Board of County Commissioners unanimously approved a moderate-income housing program for the Tahoe Township portion of Douglas County (Douglas County 2007 [Appendix H]). At its May 2007 meeting, the TRPA Governing Board certified and approved by Resolution the Moderate-Income Housing Program approved by Douglas County in December of 2006.

If the regulations governing PAS 073, within which the project site is located, are changed per the applicant's request to allow Special Area #1 of PAS 073 (in which the project site is the sole parcel) to be eligible for the MRIP, the Sierra Colina project site will have met all the conditions necessary to be eligible to receive bonus units via the MRIP.

Allocation of Development – TRPA Code of Ordinances Chapter 33

As discussed above, TRPA has established the MRIP, which allows bonus units to be awarded for the development of moderate-income housing. Along with a development right, each unit is also required to obtain an

allocation. While TRPA distributes a specific number of allocations among each jurisdiction within the Tahoe Basin each year to be used at the discretion of the jurisdiction, TRPA also maintains its own pool of allocations, which it administers. These allocations are intended to be administered by TRPA to support the retirement of sensitive lands, and to support the development of moderate-income housing (TRPA 2007).

Two hundred multi-residential bonus units and 200 residential allocations are available for moderate-income projects (TRPA 2007).

For projects to take advantage of these allocations, the local jurisdiction for which the project is located must establish and have certified by the TRPA Governing Board a Moderate-Income Housing Program. TRPA has approved the Douglas County Moderate-Income Housing Program (TRPA 2007).

Transfer of Existing Development – TRPA Code of Ordinances Chapter 34

Chapter 34 of the TRPA Code of Ordinances specifies regulations pertinent to the transfer of existing development from one parcel to another. These regulations allow for the transfer of Existing Residential Units of Use (ERU) from other lands within the Basin. Transferring ERUs from one parcel to another takes the place of the need for the applicant to acquire both a development right and an allocation since an ERU is equivalent to a development right and allocation combined. Subsection 34.4 of Chapter 34 specifies the regulations that determine if and how a parcel can act as a receiving area for existing development and if and how existing development is eligible for transfer. While PAS 073 does not contain language explicitly defining Special Area #1 of PAS 073 as a TDR Receiving Area for ERUs, there are no existing regulatory restrictions regarding transfer of ERUs to the area. Per Subsection 34.4 existing residential development may be transferred to any plan area or adopted community plan where residential use is a permissible use. Because residential use is a permissible use on the Sierra Colina project site, the Sierra Colina project site may act as receiving area for existing development.

Land Coverage and Linear Public Service Facilities –TRPA Code of Ordinances Chapter 20

Chapter 20 of the TRPA Code of Ordinances specifies the regulations regarding land coverage standards. Important to the coverage available for development on the project site is Subsection 20.3.D(1)(b) of the TRPA Code of Ordinances, Land Not Included in the Project Area. This ordinance states:

The project area shall not include lands lakeward of the high-water lines of bodies of water, such as lakes and ponds, lands under lying covered surfaces associated with existing LPFs, highway, streets, and roads, referred to in Subsection 20.3.B, and easements or rights-of-way allowing potential land coverage for LPFs, high ways, streets, and roads. Land coverage associated with existing LPFs, highway, streets and roads shall not be considered in the calculation of land coverage, except as pertinent to the review by TRPA of the facilities, highway, streets or roads, or as required pursuant to Subsection 20.3.D(2)(c).

This ordinance is applicable to the Sierra Colina Village Project because Alternatives 1, 3, and 4 include proposals for four new LPFs. Per TRPA Code 20.3.D(1)(b) all of the land included under the proposed LPFs would be subtracted from the gross area of the project site before the calculations to determine the land coverage available on the project site are made.

On March 31, 2006, the applicant for the Sierra Colina Village Project filed a Lake Village Drive Partial Right of Way Reduction Boundary Line Adjustment Application (TRPA File #2006-0498) with TRPA to reduce Douglas County's exclusive right-of-way easement for Lake Village Drive/Echo Drive, solely where it is inside the boundary of the 18-acre parcel, from 40 feet in width from the centerline of the existing pavement of Lake Village Drive/Echo Drive (or 80 feet in total width) to 30 feet in width from the centerline of the existing pavement of Lake Village Drive/Echo Drive (or 60 feet in total width). This application was approved on October 26, 2007

(TRPA 2007). The Douglas County Board of Commissioners also approved the Sierra Colina right-of-way reduction from 80 feet to 60 feet in 2006 (Douglas County 2006).

Since the boundary line adjustment was granted by TRPA, the width of the right-of-way will be reduced, thereby increasing the amount of coverage available for use by the applicant. As discussed in Section 2.4.6 of Chapter 2.0, Project Description, additional maximum allowable land coverage associated with the land area (approximately 9,812 square feet) returned to Sierra Colina by the right-of-way reduction is approximately 1,596 square feet.

While the LPFs do not contribute to the total land area, or to the allowable coverage calculated for the project site, allowable coverage for proposed LPFs is still constrained by the initial estimates of allowable coverage on the land under the LPFs on the site. In the case of the project site, construction of the LPFs requires an initial calculation of the land capability classes existing on the project site based on existing conditions. The total land area in each land capability class required to construct the LPFs on the areas specified is then subtracted from the gross area of each applicable land capability class on the project site, and the allowable coverage on the project site is recalculated.

LOCAL

Douglas County Master Plan

The Douglas County Master Plan (DCMP) (Douglas County 2007) provides long-range guidance for numerous programs related to planning activities in the county including: development, open space preservation planning, transportation, flood and drainage, water resources planning and management, and capital improvements planning.

The Douglas County Land Use Map designates the project area as part of the Lake Tahoe Planning Area. The Lake Tahoe Planning Area is not included as part of the Land Use Element of the DCMP because the area is within the jurisdiction of TRPA. Goals and Policies of the Land Use Element of the DCMP apply to the Lake Tahoe Planning Area to the extent that they do not conflict with the provisions of plans or regulations adopted by TRPA.

Goals and policies from the DCMP applicable to the Sierra Colina Village Project are:

GOAL S.01: To preserve and enhance the existing scenic and resource character of the Sierra area.

- ▶ Policy S.01.01 Encourage preservation of public and private forested lands.
- ▶ Policy S.01.02 Encourage private land/public land exchange to increase public land holdings within the Sierra area consistent with the Master Plan.
- ▶ Policy S.01.03 Encourage access to public lands for recreational use.
- ▶ Policy S.01.07 Douglas County should establish design guidelines for new and redeveloped areas that ensure compatibility with the natural beauty and are consistent with the limitations of the Sierra Planning Area.

The DCMP recognizes a need for affordable housing in the region. Based on this recognized need, the DCMP has set the following three goals related to housing:

GOAL 11.01: To increase the availability of affordable housing for persons with special needs, in light of the housing needs identified in the Housing and Population Element.

GOAL 11.02: To consider a tiered or incremental approach to progressively greater County involvement in housing programs and policy, as needed, in light of limited County resources, state legal requirements, and a County-wide focus.

GOAL 11.03: To recognize and address the regional nature of housing problems in the region.

The Housing and Population Element of the Douglas County Master Plan establishes goals and policies to encourage the provision of affordable housing for its current and future residents. This includes the County working to address housing needs that may be regional in nature through coordination with neighboring jurisdictions, including TRPA, the City of South Lake Tahoe, and El Dorado County (See Douglas County Moderate-Income Housing Program Regulations [Appendix H]).

4.8.2 AFFECTED ENVIRONMENT

TAHOE PLANNING AREA OF DOUGLAS COUNTY

The Tahoe Planning Area is located on the western edge of Douglas County. The area totals 28,431 acres or about 6.5 percent of the County. Approximately 10 percent of the land is urbanized, 80 percent is in public ownership or control, and the remaining 10 percent is in private non-urban use. The Lake Tahoe Planning Area consists of the communities of Round Hill/Zephyr Cove, Stateline, Cave Rock/Glenbrook, and Kingsbury. TRPA has adopted community plans for Roundhill, Stateline, and Kingsbury, and these plans have also been adopted by Douglas County. The areas not included within the three community plans are divided into 33 planning areas, subject to 30 TRPA PASs. The project site is located in Stateline, an unincorporated community in Douglas County, though is not located within the Stateline Community Plan (see Exhibits 2-1 and 2-2 in Chapter 2, Project Description, of this document).

HISTORIC AND EXISTING LAND USES

Historic Uses and Background

The project site is located within the Burke Creek Watershed, a subwatershed of the Lake Tahoe Hydrologic Unit. (See Section 4.7, Hydrology and Water Quality, for a detailed discussion regarding hydrologic conditions on the project site). Historically the Burke Creek watershed has been subject to both logging and grazing disturbances. The Burke Creek meadow (now called Rabe Meadow) across U.S. 50 from the project site was used intermittently for cattle grazing until 1978 when the USFS acquired the majority of the land within the Burke Creek Watershed. The USFS now maintains title to most of the land across which Burke Creek flows with the exception of the Burke Creek stream reaches that cross 1) Sierra Colina, Douglas County and the Kahle Commercial Center (Burger King/UPS center) and 2) the Lower Kingsbury Subdivision. Total length of these reaches, part of which crosses the Sierra Colina parcel, is approximately 1,500 feet. The total length of Burke Creek on the Sierra Colina parcel is approximately 900 feet (NHC 2006).

A historical overview of residential/commercial development around the Burke Creek area begins west across U.S. 50 from the project site with the construction of the Tahoe Shores Mobile Home Park in the 1950s, the site of the proposed Tahoe Beach Club, now under environmental review. The Lower Kingsbury Subdivision, located southeast of the project site was constructed in the 1960s as were the Kahle Park recreation fields immediately south of the site. The Kahle Commercial Center (formerly the Nugget Casino and Parking lot) southwest of the site was constructed in the 1970s.

Prior to 1992 the project site was part of PAS 060 (Genoa Peak). As part of PAS 060 the project site was classified by TRPA first as Tourist Commercial Land and then later as Conservation Land. In October of 1992 the TRPA Governing Board held a public hearing on the recommended transfer of the existing, undeveloped Sierra Colina parcel from PAS 060 (Genoa Peak), where a single family home and secondary residence were the only

allowable residential uses to PAS 073 (Lake Village), where the parcel would become Special Area # 1 in PAS 073, allowing a density of three multifamily residential units per acre. At the hearing the TRPA Governing Board unanimously approved the transfer of the existing, undeveloped Sierra Colina parcel from PAS 060 (Genoa Peak) to PAS 073 (Lake Village), where it became Special Area #1 of PAS 073 and classified as Residential with specific restrictions (as described above), allowing a density of three multifamily residential units per acre. As a result of its Residential classification, the parcel is considered an “urban area” per the definition of Urban Area in Chapter 2 of the Code of Ordinances.

Several different owners have held title to the property now known as “Sierra Colina”. Since 1992, two different landowners have proposed residential development of the parcel, although neither proposal was ever evaluated or approved. The current landowner acquired the Sierra Colina parcel in April of 2005.

EXISTING LAND USES

The project site is currently undeveloped common Jeffrey pine forest on the Highway 50 corridor. The topography of the site varies but primarily consists of moderate south and west facing slopes with an approximately 100-foot increase in elevation from the west to the east end of the property. Under a permit issued by TRPA, implemented by a registered professional forester and under the supervision of the Nevada Division of Forestry, specifically identified trees on portions of the site were logged in the summer of 2006 to remove overstocked and diseased trees for fuels reduction and forest health restoration¹. Vegetation on the project site consists primarily of common Jeffrey pine forest and montane riparian-aspen forest. In the portion of the project site proposed for development, the vegetation is representative of east-shore second-growth white fir and Jeffrey pine forest. As shown in Exhibit 4.7-1 (Approximate Alignment of Burke Creek Looking Upstream), in Section 4.7, Hydrology and Water Quality, Burke Creek crosses the project site property line at the east southeast property line and exits at the southern property line to the Kahle Park parcel, west onto the Burger King/UPS Store site, and back onto the proposed project property before exiting the property and crossing under U.S. 50 in a culvert.

Frequently used, unauthorized foot trails traverse the privately-owned project site, including trails along and crossing the two portions of Burke Creek on the property. Unauthorized users cross the property hiking, jogging, dog walking, and mountain biking. An existing dirt road originally created for fire prevention access and for servicing electrical utility lines also transects the project site from the southwest (Highway 50) to the northeast (Lake Village Drive).

As discussed above under *Regulatory Background*, the project site is located in Special Area #1 within Plan Area 073. The primary land use classification for PAS 073 is residential and permissible land uses for Special Area #1 include single- and multi-family dwellings, as well as some public service, recreation, and resource management permissible uses (TRPA 2002). PAS 073 has the special designation of being a Transfer of Development Rights (TDR) receiving area for multi-residential units (a special designation which is applicable to Special Area #1 [the project parcel]) and of being a land area eligible for the multi-residential incentive program (a special designation which is not applicable to Special Area #1-the project parcel).

The land capability districts (including the delineation of the SEZ and applicable SEZ setbacks) on the project site were verified and approved by the TRPA Governing Board in May 1998 (TRPA 1998 [Appendix C]). According to the 1998 TRPA Governing Board Verified Land Capability Map establishing the land capability districts (including the delineation of the SEZ and applicable SEZ setbacks) for the proposed project parcel, the site includes seven TRPA-verified land capability districts: 1a, 1b, 1c, and 2 (which all have a base allowable coverage of 1% [TRPA 2004]), 3 (which has a base allowable coverage of 5%) and 4, 5, 6 and 7 (which have a maximum allowable coverage of 20%, 25%, 30% and 30%, respectively [TRPA Code of Ordinances 20.3.A]). According to TRPA Code of Ordinances Chapter 20.3.B, the maximum land coverage allowed on a parcel to be used for tourist accommodation facilities (TAUs), multi-residential facilities of five units or more, public service

¹ Fuels Reduction & Forest Health Tree Removal Permit #2005-1729, issued by TRPA.

facilities, and recreation facilities for projects outside an approved community plan area is that which is permissible under Code Section 20.3.A, but in no event more than 30% of the project area.

On June 17, 1998, TRPA verified the existing coverage on the project site as 6,100 square feet, including 1,900 square feet of existing coverage from area 1b SEZ. Table 4.8-1 shows the project coverage allowed on site per land class, including the TRPA verified existing on-site coverage. The total project coverage allowed on-site after subtraction of the approved 60-foot right-of-way and including the existing verified coverage would be 97,885 square feet.

Land Class	Gross area per land class	Less Lake Village proposed 60 foot wide right-of-way	Net area per land class after subtraction of 60-foot right-of-way	TRPA allowable coverage	TRPA verified existing coverage	TRPA project coverage allowed on site
1b	106,256.77	--	106,259.77	1,063	1,900	1,900
1a	91,184.92	10,809	80,375.92	804		804
1c	10,282.79	--	10,282.79	103	--	103
2	97,880.29	8,516	89,364.29	894	500	894
3	--	--	--	--	--	--
4	374,099.26	9,610	364,489.26	72,898	3,500	72,898
5	97,223.55	20,825	76,398.65	19,100	200	19,100
6	7,292.00	--	7,292.00	2,188	--	2,188
7	--	--	--	--	--	--
Totals	784,223	49,760	734,463	97,048	6,100	97,885

Source: Calculations for allowable land coverage (Application for Right of Way Reduction: Sheets C1.0 (Proposed 60 foot wide Lake Village Drive Right of Way), Shinault 2006; using TRPA Code Section 20.3.D (2)(a)(ii) to calculate allowable coverage (i.e., 1/20/25/30%).

SURROUNDING LAND USES

As described in Chapter 2, Project Description, the project site is bounded by U.S. 50 to the west; Lake Village Drive/Echo Drive to the north; a U.S. Forest Service (USFS) parcel to the east; and Kahle Park and Community Center and a mixture of office, commercial, retail, and recreational uses to the south. Other surrounding land uses include: Rabe Meadow across U.S. 50 to the west, the Lake Village Professional Building and the 325-unit Lake Village residential subdivision to the north across Lake Village Drive, and Kingsbury Middle School to the northeast (see Exhibits 2-2 and 2-3 in Chapter 2, Project Description).

4.8.3 ENVIRONMENTAL CONSEQUENCES AND RECOMMENDED MITIGATION MEASURES

CRITERIA OF SIGNIFICANCE

TRPA Criteria

Land use is not one of TRPA’s nine established environmental thresholds. To determine significance of land use impacts, the project is reviewed for consistency with applicable Goals and Policies of the TRPA Regional Plan. Inconsistency of the project with such policies would constitute a significant impact requiring mitigation.

Consistency with Applicable TRPA Goals and Policies

Table 4.8-2 identifies Goals and Policies of the TRPA Regional Plan applicable to the project site. This table also includes consistency determinations and provides supporting narrative. Alternatives 1 through 4 are development alternatives and Alternative 5 is the No Project Alternative. (See Chapter 2, Project Description and Chapter 3, Alternatives for detailed descriptions of the proposed project and alternatives.)

Table 4.8-2 Land Use Policy Consistency Analysis	
TRPA Goals and Policies	
LAND USE	
GOAL #1	Restore, maintain, and improve the quality of the Lake Tahoe Region for the visitors and residents of the region.
Policy 1	The primary function of the region shall be as a mountain recreation area with outstanding scenic and natural values.
<u>Consistent</u>	All residential units proposed under Alternatives 1-4 would be built to TRPA design codes and in accordance with the land use regulations set for the project area. Alternatives 1 and 4 propose a 10.7 acre open space easement and land conveyance to a public entity; Alternative 3 proposes a 12.6 acre open space easement and land conveyance to a public entity. Alternatives 1, 3 and 4 propose construction of three pedestrian/bicycle paths and one shared roadway (LPFs) for public use. Alternative 5 (No Project Alternative) would maintain the current scenic and natural values associated with the site fully fenced as a privately owned parcel in an urban area with no public access or ownership of any part of the site and with two sets of power lines crossing the parcel.
Policy 3	The Plan shall seek to maintain a balance between economic health and the environment.
<u>Consistent</u>	The Sierra Colina Village Project would not generate a substantial increase in population nor would it generate new jobs (See Chapter 10, Population and Housing). Alternatives 1, 3, and 4 could provide housing to Basin employees that may otherwise commute from outside the Basin. The housing provided in Alternatives 1 and 4 includes moderate-income, deed-restricted work force housing available to those local resident families earning not more than 120% of the median income in Douglas County, adjusted for family size.
GOAL #2	Direct the amount and location of new land uses in conformance with the environmental threshold carrying capacities and the other goals of the Tahoe Regional Planning Compact.
Policy 1	The total population permitted in the region at one time shall be a function of the constraints of the Regional Plan and the Environmental Threshold Carrying Capacities.
<u>Consistent</u>	TRPA threshold criteria applicable to the Sierra Colina Village Project are identified for each EIS environmental resource topic addressed in Chapter 4, Affected Environment and Environmental Consequences, of this document. These thresholds are incorporated into the criteria of significance against which the project impacts are analyzed. Alternatives 1 – 5 would result in no impact, in less-than-significant impacts, or in significant or potentially significant impacts that can be mitigated to less-than-significant levels.
Policy 4	The Plan Area Statements set forth special policy direction to respond to the particular need, problems, and future development of a specific area. Each Planning Area Statement may vary in detail or specificity depending on the nature of the area and the detail or specificity related to local jurisdictional plans.
<u>Consistent</u>	All land uses proposed under Alternatives 1 – 5 are expressly permissible under PAS 073. The primary land use classification for the project site is residential and permissible land uses include the development of single- and multi-family dwellings, with a maximum allowable number of housing units of 3 units per acre, or 54 units for the 18-acre site. The Planning Statement in PAS 073 provides that “this area should continue to be a medium density residential area, maintaining the existing character of the neighborhood.” Alternatives 1 and 4 include a proposal to amend PAS 073. The requested amendment would designate Special Area #1 (in which the project site is the sole parcel) of PAS 073 as eligible for TRPA’s multi-

**Table 4.8-2
Land Use Policy Consistency Analysis**

residential incentive program. Originally, applicant had made a second amendment application with respect to PAS 073 to define PAS 073 as a TDR Receiving Area for existing residential units (ERUs) of use. During TRPA’s review of the initial PAS amendment application, it was determined that adding Existing Development to the TDR Receiving Area Special Designation was unnecessary because the TRPA Code of Ordinances already allows existing development to be transferred into this PAS for residential purposes as stated in TRPA Code Section 34.4 and subsection 34.4.B(2). The PAS amendment request to modify PAS 073 to provide that *Special Area #1 shall be designated as a TDR Receiving Area for existing development* is, therefore, unnecessary and no longer needs to be a subject of study in this EIS ².

The moderate income housing component of the proposed project is addressed in this EIS in Section 4.10, Population and Housing. Approval of the proposed amendment to designate Special Area #1 (in which the project site is the sole parcel) of PAS 073 as eligible for TRPA’s multi-residential incentive program would not result in changes to the primary land use classification or permissible land uses on the project site.

The requested amendment to PAS 073 (Lake Village) (Special Area #1) (i) will result in no increase in allowable density on the parcel, which will remain 3 units per acre; (ii) will result in no increase in allowable coverage on the parcel; (iii) is consistent with the urban residential, commercial and public services development and zoning of most of the surrounding parcels, and with the existing Special Area #1 PAS 073 land use provisions; and (iv) will contribute to the need to add workforce housing units in Douglas County.

Policy 7 No new divisions of land shall be permitted within the region which would create new development potential that is inconsistent with the goals and policies of this plan.

Consistent All land uses proposed under Alternatives 1 – 5 are expressly permissible under PAS 073. Alternatives 1, 3, and 4 include a two-step subdivision of the parcel once construction is complete. The two-step subdivision would be implemented in a manner consistent with Chapters 41 and 43 of the TRPA Code of Ordinances. The two-step subdivision process includes first subdividing the site as a Planned Unit Development (PUD) and a portion of the property turned over to a public entity for conservation. This subdivision would take place following the completion of all project components, including the LPFs. The second step would be to further subdivide the development area into individual parcels associated with each residential unit to facilitate individual home ownership. (See Chapter 2, Project Description and Chapter 3, Alternatives, for additional information regarding the two-step subdivision process.)

Subdivision of the project site under Alternatives 1, 3, and 4 would not result in changes to the primary land use classification or permissible land uses on the project site nor would it create development potential beyond that already planned for the site. Additionally, Alternatives 1, 3, and 4 include proposals for the creation of

permanent open space, thereby limiting future development potential on the site. No subdivision of the project site is proposed under Alternatives 2 and 5.

TRPA confirmed the legality of two-step subdivisions, including their compliance with TRPA Code of Ordinances Chapters 41 and 43 and the 208 Plan, in an August 22, 1995 Memorandum by the TRPA Legal Division, entitled “TRPA’s Two-Step Subdivision Process for Post-1987 Residential Projects.” (Exhibit I) Subdivisions like the Sierra Colina Project are permitted in the TRPA Code of Ordinances through the two-step process and are consistent with the following goals of the Regional Plan detailed in the 1995 TRPA Legal Division Memo:

1. Promoting the infill of development on high capability lands: All of Sierra Colina Village is located on urban infill, high capability land, except for a small square footage of TRPA verified existing

² This would allow the transfer of Existing Residential Units of Use (ERU) from other lands within the basin. Transferring existing banked residential units from one parcel to another eliminates the requirement to obtain both a development right and an allocation since the development right and allocation are included as part of the ERU transfer.

**Table 4.8-2
Land Use Policy Consistency Analysis**

LC1b coverage on the parcel being relocated to equal or higher capability land on the parcel.

2. Redirecting development to more suitable areas: Sierra Colina is urban infill land; has been zoned multi-family since October 1992; and satisfies the applicable transient oriented development criteria articulated in the Code;
3. Retiring sensitive parcels through development transfers: Sierra Colina has obtained 44 SEZ Existing Residential Units of Use (ERUs) from a restored SEZ parcel in Stateline and plans to transfer the majority of these ERUs to Sierra Colina; and
4. Avoiding the creation of new street networks: Sierra Colina does not create a new street network, but instead, it provides one single “loop” 20 foot wide access roadway to the homes, effectively functioning as a common driveway to connect Sierra Colina to the existing Lake Village Drive. Sierra Colina’s access roadway (which is also proposed linear public facility-Easement #3 on BSA Sheet 4.0) contains 21,783 square feet of drivable roadway, which equates to only 436 square feet of drivable roadway per home (21,783/50), a ratio far lower than what is typical for a new street creating access to homes and certainly does not constitute a “new street network”.

The 1995 TRPA Legal Division Memo similarly notes that “one of the management strategies for the 1987 Regional Plan is ‘redirection of development.’” The 208 Plan also states that TRPA’s subdivision policies should achieve the following goals, each of which is satisfied by the proposed project:

1. “maintain the existing boundaries of the urban areas within the Region”: the project parcel is inside the urban boundary; is urban infill development and is located in an “urban” area as defined in Code of Ordinances Chapter 2.2;
2. “result in the infill of property within land capability districts 4-7 with urban land uses”: the project parcel is an urban infill parcel; its proposed coverage is 98% located on high capability land; and is located in an “urban” area (as defined in Code Section 2.2), surrounded by urban, residential and commercial land uses”;
3. be “consistent with TRPA’s plan areas statements”: Since 1992, the project parcel’s designation as Special Area #1 of PAS 073 has provided for multiple family and single family dwellings as allowable and permissible uses. Alternatives 1, 3 and 4 proposes multiple family dwellings and Alternative 2 proposes a single family dwelling and accessory uses;
4. “not allow new subdivisions in undeveloped areas”: Under TRPA’s Code, the project parcel is “urban” land (as defined in Code of Ordinances Chapter 2.2), surrounded by existing residential, commercial and governmental development and uses in a developed area; and
5. “not establish new street networks”: proposed project Alternatives 1 and 4 will have one, single 20 foot wide loop access roadway LPF connecting Sierra Colina to the existing Lake Village Drive in two locations; Alternative 3 will have one, single 20 foot wide access roadway LPF connecting Sierra

³ For a detailed description of the applicant’s plan to provide the necessary development rights or ERUs for the project’s market units, see discussion at Section 2.2 (Project Background and Purpose) in Chapter 2 with respect to Alternative 1.

⁴ See discussion at Section 3.4 in Chapter 3 with respect to the applicant’s TDR transfer plan for Alternative 3.

⁵ See discussion at Section 3.5 in Chapter 3 with respect to the applicant’s TDR transfer plan for Alternative 4.

⁶ For a detailed description of the applicant’s plan to provide the necessary development rights or ERUs for the project’s market units, see discussion at Section 2.2 (Project Background and Purpose) in Chapter 2 with respect to Alternative 1; see discussion at Section 3.4 in Chapter 3 with respect to the applicant’s TDR transfer plan for Alternative 3; and see discussion at Section 3.5 in Chapter 3 with respect to the applicant’s TDR transfer plan for Alternative 4.

**Table 4.8-2
Land Use Policy Consistency Analysis**

Colina to the existing Lake Village Drive in one location; and project Alternative 2 will have one, 20 foot wide driveway connecting Sierra Colina to the existing Lake Village Drive in one location.

Finally, the TRPA Legal Division concluded that the two-step subdivision process achieves the following goals, and Sierra Colina complies with each of these criteria:

1. “insuring that post-1987 subdivisions do not create the potential for more coverage than that permitted by the Bailey coverage coefficients”: The Sierra Colina Village multi-family dwelling project’s allowable coverage is based on a TRPA approved land capability study;
2. “limiting post-1987 subdivisions to high capability lands”: Sierra Colina Village proposes coverage on high capability land;
3. “prohibiting subdivision of land in non-urban areas”: Sierra Colina is urban in-fill land; is located in an urban area (as defined by Code Section 2.2); and is surrounded by existing residential, commercial and governmental development and uses;
4. “limiting subdivisions of post-1987 projects to PASs which permit multi-residential and single-family uses”: Since 1992, Sierra Colina’s Special Area #1 of PAS 073 has provided for both multiple family and single family dwellings as allowable and permissible uses on this urban parcel in the heart of Stateline;
5. “creating receiving projects for transfers of development”: Sierra Colina will transfer development rights to the parcel in order to obtain the necessary units of use for the proposed multi-family project;
6. “limiting development potential to that existing in July 1987”: This is a Basin wide standard with which the Sierra Colina Village proposed multi-family dwelling project complies.

Neither the TRPA Code of Ordinances nor the 208 Plan defines a “lot and block subdivision.” The proposed subdivision of the project (Alternatives 1, 3 and 4) will not result, in substance or in appearance, in a “lot and block subdivision,” for a number of reasons, including those articulated above in connection with the discussion of the TRPA Legal Division’s 1995 memorandum on two-step subdivisions to the TRPA Governing Board (TRPA 1995 [Appendix I]) and the following additional reasons:

1. Traditional lot and block subdivisions create future potential demand for allocations by creating vacant lots for sale without allocations. Under the current rules requiring a multi-residential approval before subdivision, lots already have development rights and allocations. Therefore, no future demand is created. In Alternatives 1, 3 and 4, the applicant will sell completed homes, not vacant lots.
2. In Alternatives 1, 3 and 4, the applicant is proposing a condominium subdivision that utilizes a 20-foot wide shared driveway and LPF that will serve individual building envelopes, small driveways and the common area. Common area shared by condominium owners and protected by the CC&Rs of the homeowners’ association is less likely to be illegally covered or otherwise encroached upon than similar space in lot and block subdivisions.
3. In Alternatives 1, 3 and 4, there are no proposed lots or blocks that are indicative of a development that is spread across an entire property and requires extensive road or street networks with multiple ingresses and egresses. Instead, the development is situated on a continuous area of high capability land that will be served by one common access roadway with two points of ingress and egress for Alternatives 1 and 4 and one point of ingress and egress for Alternative 3. The common access roadway will itself be a LPF(LPF 3) right-of-way.
4. Although there are no TRPA design standards for multi-family development, the proposed project

**Table 4.8-2
Land Use Policy Consistency Analysis**

represents a design compatible with the land capability limitations for the subject parcel and results in a configuration which accommodates the natural setting. This is in contrast to Alternative 2, where the applicant proposed as a matter of right a large estate with accessory structures and a series of private drives and parking areas, resulting in more land coverage than proposed in either Alternative 1, 3 or 4

and resulting in one grand private estate rather than the proposed multi-family project Alternatives 1, 3 or 4 which creates community housing.

As discussed in Regulatory Background in Section 4.1.1 above, in 2000, TRPA conducted a series of workshops that included, among other topics, potential design criteria to gain greater clarity on the two-step subdivision process. Workshop participants included representatives of the League to Save Lake Tahoe (League), Sierra Club, Friends of Burke Creek, Office of the California Attorney General (Cal AG), Office of the Nevada Attorney General, Lahontan RWQCB, staff from each of the county and city governments in the Basin, and others (TRPA 2000a). These workshops resulted in the following list of tentative criteria (TRPA 2000c):

1. Transfer development rights from sensitive land only (725 or less; Bailey 1-3)
2. Density: minimum of 8 units per acre in project area
3. Shall be located within Transit Oriented Development (TOD) areas
4. Maximum 850 square feet vehicle-oriented coverage per unit
5. If units from existing residential project, cannot be affordable housing units
6. Multi-residential projects not in compliance with above shall be deed restricted
7. Deed restrict two-step parcels to require X % units for first-time home buyers

To-date, this list of criteria has not gone forward to the Advisory Planning Commission or the Governing Board for adoption as amendments to Chapters 13, 41 and 43 of the TRPA Code of Ordinances. Although these criteria have not been incorporated into the TRPA Code, several of the alternatives the applicant considered in the planning process, but rejected, were rejected in part, but not solely, because they conflicted with the above criteria (for further discussion, see Section 3.2 (Alternatives), and due to the following statement from the July 5, 2000 Design Development Working Group Meeting (TRPA 2000b):

"Hence the impetus for these meetings: the Cal. AG and the TRPA Governing Board's desire to have clear rules for two-step subdivision development. It is hoped that, given clear rules for operating, lengthy debates on project merits and the intent of the TRPA policy can be avoided in the future, and project applicant clearly understand what must be done to achieve project approval"

Although these two-step subdivision criteria are not required by the TRPA Code of Ordinances or by the 208 Plan, or in other applicable law as pre-requisites to a legal, two-step subdivision, Alternatives 1, 3 and 4 being considered in this EIS are intended by the applicant to adequately address the criteria for a two-step subdivision as expressed in these workshops. In summary, Alternatives 1, 3 and 4 are designed to satisfy each of these criteria:

1. Transfer in development rights from sensitive land only (725 or lower; Bailey 1-3)

As discussed below, the majority of the 40 TDRs proposed to be transferred to the parcel in connection with Alternative 1 are from a sensitive (SEZ) parcel (38 out of 40). The applicant needs to transfer 40 development rights and/or existing residential units of use (ERUs) to the project parcel (there is one residential development right on the parcel). An affiliate of the applicant has acquired 1 development right (from a high capability land parcel) and 45 ERUs (one from a high land capability parcel and 44 from a restored sensitive (SEZ) parcel). The applicant proposes to transfer the acquired 1 development right (from a high capability land parcel), 1

**Table 4.8-2
Land Use Policy Consistency Analysis**

acquired ERU (from a high capability land parcel) and 38 ERUs (from a restored sensitive (SEZ) parcel)³. The same conclusion is reached for Alternatives 3 and 4. For Alternative 3, 34 out of 36 TDRs transferred to the parcel are from a sensitive (SEZ) parcel⁴. For Alternative 4, 39 out of 41 TDRs transferred to the parcel are from a sensitive (SEZ) parcel (38 out of 40)⁵. Subject to approval of Linear Public Facility #3 (access roadway) and the applicant's PAS amendment application, the applicant also intends to use multi-residential incentive units for the proposed moderate-income deed-restricted homes in Alternatives 1 and 4

2. Density: minimum of 8 units per project acreage in disturbed project area

The maximum allowable density on the 18 acre project parcel is 54 homes. The project disturbed acreage "Project Area" is approximately 5.65 acres, after the exclusion of (i) Douglas County's exclusive right of way for Lake Village Drive (LPF 1) (ii) the four proposed LPFs from the project area (LPFs 2, 3, 4 and 5) per TRPA Code Chapter 20 and (iii) the open space conveyance to a public entity of the 10.7 acres of sensitive, SEZ and scenic corridor land. As a result, the density of development on the reduced, project acreage parcel is approximately 8.8 homes per project area acre (50/5.65).

3. Located within Transit Oriented Development (TOD) areas

In 1992, in order for the TRPA Board of Governors to transfer the parcel to PAS 073 with multi-family dwellings as an allowable and permissible use, it was necessary to find that the parcel satisfied TRPA TOD criteria (See TRPA Code Section 13.7.D(3)). The property is located in an "urban area" (as defined in Code of Ordinances Chapter 2.2) and the surrounding existing urban development and infrastructure meet these criteria as well.

4. Maximum 850 square feet of vehicle oriented coverage/unit

Each of the project Alternatives 1, 3 and 4 has a ratio of square footage of vehicle oriented coverage per unit which is less than the criteria's maximum recommended value of 850 (e.g., the Alternative 1 ratio of square footage of vehicle oriented coverage per unit is approximately 766 square feet (see the Applicant's Supplemental TRPA Subdivision application for detailed analysis)).

5. Transferred Units from existing projects cannot be deed-restricted affordable homes

As discussed in Section 2.2 (Project Background and Purpose) of Chapter 2, to transfer to the parcel the necessary TDRs in conjunction with approval of the 41 market rate units proposed in Alternative 1, the applicant needs to transfer 40 development rights and/or ERUs to the project parcel (there is one development right resident on the parcel). An affiliate of the applicant has acquired 1 banked development right (from a high capability, vacant land parcel) and 45 retired and banked ERUs (one from a high land capability parcel and 44 from a restored sensitive (SEZ) parcel) to meet these TDR requirements. The banked development right originated on a vacant parcel in South Lake Tahoe which was combined with an adjacent lot. The banked ERU from a high capability parcel was originally a single unit at the site of the current TRPA headquarters building in Stateline. The 44 ERUs from a restored, sensitive (SEZ) parcel were retired and banked on a sending parcel at 134 Kahle Drive in Stateline that originally contained an apartment building, the units of which, while they were not deed restricted, were determined by TRPA to be affordable housing units and were required to be mitigated. The ERUs were retired and banked on that sending parcel under a series of permits issued by TRPA beginning in 1999 and thereafter in accordance with the TRPA mitigation and banking requirements. TRPA has determined that all mitigation and banking conditions of those permits have been satisfied⁶.

6. Multi-residential projects not in compliance with above to be deed restricted (N/A)

7. Deed restrict two-step parcels to require x% units for 1st time home buyers (N/A)

Although this criterion is not applicable, the applicant has voluntarily proposed to provide 9 deed-restricted

**Table 4.8-2
Land Use Policy Consistency Analysis**

homes for families with moderate incomes in Alternative 1 (which is 22% of the number of market rate homes (41) proposed) and 12 deed-restricted homes for families with moderate incomes in Alternative 4 (which is 29% of the number of market rate homes (42) proposed). This is notable because there exists no legal requirement or TRPA required mitigation to provide any deed-restricted housing in any of the project alternatives, as the project does not result in the demolition of any existing affordable housing stock and is not located in a TRPA planning area which is a preferred affordable housing location. At present, there are no deed-restricted moderate-income homes existing in Douglas County at the Lake. Although the units will not be available solely to first time home-buyers, per the Douglas County Moderate Income Program, Section 4.3, the owners of the moderate income units must be full-time occupants, or must rent to full-time tenants whose income does not exceed the moderate income limits set forth in the Douglas County Moderate Income Program.

Subdivision through Conveyance of approximately 10.7 acres of Land (including Sensitive Stream Zone) as Open Space per TRPA Code of Ordinances Section 41.3.A

Upon completion of construction of all phases of the approved project, including the proposed four LPFs, per TRPA Code of Ordinances Section 41.3.A the applicant proposes to convey, approximately 10.7 acres of the parcel in Alternatives 1 and 4 (and approximately 12.6 acres of the parcel in Alternatives 3) to a public entity for the purpose of open space. This conveyance will include 2.4 acres of SEZ (including the portion of Burke Creek on the parcel) on the 18 acre parcel. The approximately 8.3 acre balance of the conveyance in Alternatives 1 and 4, and the approximately 10.13 acre balance of the conveyance in Alternative 3 is Jeffrey pine common forest which will provide a natural buffer to protect the 2.4 acres of SEZ from both the disturbance associated with the proposed project and the disturbance associated with the residential, commercial, recreational and industrial land uses which surround the parcel.

This land conveyance will also be deed-restricted to prevent any development from ever occurring on this land and to preserve and protect this sensitive land in perpetuity for the benefit of the public and of the environment. This subdivision is consistent with the Goals and Policies of the TRPA, with the TRPA Code of Ordinances, and with all other applicable regulations.

There is no proposed public land conveyance or open space easement associated with either Alternatives 2 or 5.

At the time of its conveyance to a public entity, the approximately 10.7 acre land conveyance will be encumbered by a number of easements (to be determined) recorded against it. Examples include: (i) easements for the construction and maintenance of approved LPFs; (ii) easements to provide construction and maintenance of needed BMP, water quality treatment facilities and/or snow storage with respect to either the approved LPFs or the proposed Sierra Colina Village; (iii) easements to provide construction and maintenance of the BMP/water quality treatment needs of the existing, undeveloped 10.7 acre land conveyance; (v) existing public utility water, sewer and electric easements on the parcel; and (vi) other types of easements to be determined.

GOAL #3 All new development shall conform to the coefficients of allowable land coverage as set forth in “The Land Capability Classification of the Lake Tahoe Basin, California-Nevada, a Guide for Planning, Bailey, 1974.”

Policy 1 Allowed base land coverage for all new projects and activities shall be calculated by applying the Bailey coefficients, as shown below, to the applicable area within the parcel boundary.

Land Capability District	Maximum Allowed Land Coverage
1a	1%
1b	1%
1c	1%
2	1%
3	5%
4	20%

**Table 4.8-2
Land Use Policy Consistency Analysis**

5	25%
6	30%
7	30%

Consistent All base land coverage calculations for Alternatives 1 – 4 have been calculated by applying the Bailey coefficients. See Tables 4.8-1, above, for existing land area and land capability calculations for project site; Table 2-3 in Chapter 2, Project Description, for land coverage and land capability calculations for Alternative 1; and Tables 4.5-5– 4.5-7 in Chapter 4.5, Geology, Soils, and Land Coverage and Capability for land coverage and land capability calculations for Alternatives 1 – 4. The land capability districts (including the delineation of the SEZ and applicable SEZ setbacks) on the project site were field verified by TRPA staff and approved by the TRPA Governing Board in May 1998 (TRPA 1998 [Appendix C]).

Existing overall available land coverage on the project site is adequate for the construction of Alternatives 1 – 4. However, for the purposes of complying with the allowable coverage percentages per land class outlined above with respect to the LPFs proposed in Alternatives 1, 3, and 4, each of those alternatives includes a transfer of coverage within certain land classes in connection with the creation of the LPFs. Those coverage transfers would comply with Section 20.3 B(4) and 20.4 of TRPA Code of Ordinances.

GOAL #4 Provide to the greatest possible extent, within the constraints of the environmental threshold carrying capacities, a distribution of land use that ensures the social, environmental, and economic well-being of the region.

Policy 1 All persons shall have the opportunity to use and enjoy the region’s natural resources and amenities.

Consistent Alternatives 1, 3, and 4 include proposals for the conveyance of 10.7 acres of the Sierra Colina parcel to a public entity for public use and open space, to be protected in perpetuity from development by a deed-restriction or easement. The three pedestrian/bicycle LPF paths would be included in this land conveyance and would be intended for public use and access as would the rest of the open space parcel. This parcel is intended to be held as permanent open space by the receiving public entity.

There would be no public access or use, or land conveyance under Alternatives 2 or 5. However, the project site is currently privately-owned, fenced and is not open for public use. Therefore, Alternative 2 would not have an adverse impact with regard to public use as compared to existing conditions.

Policy 2 No person or persons shall develop property so as to endanger the public health, safety, and welfare.

Consistent Construction of Alternatives 1- 4 would involve the short-term use and storage of hazardous materials (e.g., asphalt, fuel, lubricants, paint). However, these uses would be temporary and all materials would be used and stored in accordance with applicable federal, state, and local laws. According to the Earthquake Potential Map for Portions of Eastern California and Western Nevada (CGS 2005), the South Lake Tahoe area is considered to have a relatively low potential for shaking caused by seismic-related activity. Additionally, no known non-seismic geologic hazards have occurred or are present on the project site. The project would be designed and constructed in accordance with the current design requirements of UBC Seismic Zone 3. None of the components proposed under any of the alternatives have been determined to constitute a risk to the public health, safety, and welfare.

HOUSING

GOAL #2 To the extent possible, without compromising the growth management provision of the Regional Plan, the attainment of threshold goals, and affordable housing incentive programs, moderate income housing will be encouraged in suitable locations for the residents of the region.

Consistent As discussed above, Alternatives 1 and 4 include moderate-income deed-restricted housing (9 and 12 units, respectively). The proposed project, if approved, could have a positive effect on the availability of work force housing in Douglas County in the Basin. TRPA developed the multi-residential incentive unit program as an

**Table 4.8-2
Land Use Policy Consistency Analysis**

incentive to property owners to develop affordable and moderate income housing in the Lake Tahoe Basin. Currently, there are no approved moderate-income, deed-restricted homes in the Douglas County portion of the Lake Tahoe Basin.

Alternative 2 would be a single-family residence which would include a secondary residence and a number of accessory structures.

The reduced number of units (37) proposed under Alternative 3 would present economic challenges that render moderate-income deed-restricted housing economically infeasible for the applicant. There exists no legal requirement or TRPA required mitigation which requires deed-restricted housing to be included in any of the project alternatives, as the project does not result in the demolition of any existing affordable housing stock and is not located in a TRPA planning area which is a preferred affordable housing location.

NOISE

GOAL #1 Single-event noise standards shall be attained and maintained.

Policy 6 The plan will permit uses only if they are consistent with the noise standards. Sound proofing practices may be required on all structures containing uses that would otherwise adversely impact the prescribed noise levels.

Consistent As discussed in Section 4.9, Noise, the construction of Alternatives 1– 4 may result in temporary less-than-significant impacts associated with construction activities. These conditions would be short-term and intermittent over the course of the construction period. None of the alternatives include any land uses that are anticipated to result in single-event activities that would exceed existing noise standards.

GOAL #2 Community noise equivalent levels shall be attained and maintained.

Policy 1 Transmission of noise from the transportation corridors shall be maintained.

Consistent As discussed in Section 4.9, Noise, based on the modeling conducted, implementation of the project would not result in a substantial increase (i.e., 3 dBA) in ambient noise levels at off-site existing nearby noise-sensitive land uses, or result in the extension of the 65 dBA noise contour along segments of U.S. 50 by more than 300 feet.

NATURAL HAZARDS

GOAL #1 Risks from natural hazards (e.g., flood, fire, avalanche, earthquake) will be minimized.

Policy 2 Prohibit construction, grading, and filling of lands within the 100-year flood plain and in the area of wave run-up, except as necessary to implement the goals and policies of the plan. Require all public utilities, transportation facilities, and other necessary public uses located in the 100-year flood plain and area of wave run-up to be constructed or maintained to prevent damage from flooding and to not cause flooding.

Consistent Alternatives 1, 3, and 4 include the construction of an LPF (LPF 5, a pedestrian/bicycle trail) that would cross Burke Creek. Alternative 2 includes the construction of paved road/bridge that would cross Burke Creek leading from the guesthouse to the rest of the estate. Construction of LPF 5 or the paved road/bridge would result in construction within and could result in fill within the 100-year floodplain of Burke Creek, mainly associated with footings, piling, and/or other foundational/support components for the crossing. Construction of LPF 5 or the paved road/bridge would not result in any human health risks or hazards due to the nature of their intended use. Additionally, design standards compliant with FEMA and Douglas County Master Plan goals would be implemented in the construction of LPF 5 or the paved road/bridge.

Policy 3 Inform residents and visitors of the wildfire hazard associated with occupancy in the Basin. Encourage use of fire resistant materials and fire preventative techniques when constructing structures, especially in the highest fire hazard areas. Manage forest fuels to be consistent with state laws and other goals and policies of this plan.

Consistent The Tahoe Douglas Community Wildfire Protection Plan rates the Risk/Hazard of wildfire to communities within the districts jurisdiction. The Stateline Community is described as having an overall medium fuel

**Table 4.8-2
Land Use Policy Consistency Analysis**

density level, a moderate potential for ignition risk and a moderate fire hazard rating. The communities surrounding Stateline each have high or extreme fire hazard ratings (TDFPD 2004).

The Tahoe Douglas Fire Protection District requires all buildings of 5,000 square feet and greater to be equipped with a sprinkler system. This requirement would only apply to Alternative 2, the single-family grand estate alternative. Any residential units proposed under Alternatives 1, 3, and 4 which would be located in a building of 5,000 square feet and greater would also be equipped with sprinkler systems. Additionally, all residential units proposed for the site under any of the alternatives would incorporate fire resistant⁷ roofs and defensible space, and adequate fire protection services are available to serve the project⁸.

The following measures have been and/or would be taken to comply with this policy:

- ▶ TRPA approved hazardous fuels removal took place on the project site beginning in the summer of 2006.
- ▶ All buildings would be required to comply with building codes related to fire safety.
- ▶ Information regarding wildfire hazards associated with occupancy in the Basin would be provided to residents by the Sierra Colina Village Homeowners Association.

Trees on portions of the property outside the SEZ were removed in the summer of 2006 pursuant to TRPA Permit #2005-1729 for fuels reduction and forest health restoration to reduce over-stocked, diseased and damaged trees (work associated with active TRPA Permit #2005-1729 is ongoing). The build alternatives proposed for the site would include continuing to conduct fuels reduction and forest health restoration, and will incorporate installation of fire hydrants, LPF 3 for fire truck ingress & egress from Lake Village Drive, fire resistant roofs and defensible space that will facilitate the work of fire protection services that serve the project. These measures reduce the project's potential to expose people or structures, wildlife and the SEZ habitat to wildland fires.

No buildings would be constructed and therefore no residents would occupy the project site under Alternative 5.

WATER QUALITY

GOAL #1 Reduce loads of sediment and algal nutrients to Lake Tahoe; meet sediment and nutrient objectives for tributary streams, surface runoff, and subsurface runoff, and restore 80% of the disturbed lands.

Policy 2 All persons who own land and all public agencies that manage public lands in the Lake Tahoe region shall put BMPs in place; maintain their BMPs; protect vegetation on their land from unnecessary damage; and restore the disturbed soils on their land.

Consistent The site is currently undeveloped and no BMPs are required or in place on the project site. Alternatives 1– 4 include implementation of appropriate temporary and permanent BMPs by the project applicant. Soils disturbed during construction would be restored in compliance with the Storm Water Pollution Prevention Plan (SWPPP) and the Permanent BMP Plan and BMP Maintenance Plan included as Mitigation Measures 4.7.1-1A and 4.7.1-1B respectively in Section 4.7, Hydrology and Water Quality.

Douglas County's EIP #679 Phase II is a separate project which will be designed, funded, and implemented by Douglas County, with the cooperation of surrounding affected landowners, including the applicant. Alternatives 1, 3, and 4 include continued cooperation by the project applicant with Douglas County towards Douglas County's implementation of EIP #679 Phase II, which would reduce runoff and erosion impacts to the project site as well as surrounding areas associated with runoff from Lake Village Drive. Alternatives 2 and 5 do not include this continued cooperation by the project applicant with Douglas County towards Douglas County's implementation of EIP #679 Phase II.

Policy 3 Application of BMPs to projects shall be required as a condition of approval for all projects.

⁷ i.e., asphalt shingles or other fire resistant material

⁸ See Section 4.11, Public Services and Utilities, of this document for discussion about fire protection services.

**Table 4.8-2
Land Use Policy Consistency Analysis**

<u>Consistent</u>	Mitigation Measures 4.7.1-1A and 4.7.1-1B (applicable to each of the development alternatives) in section 4.7, Hydrology and Water Quality require the preparation of a temporary BMP plan (for the construction period) and a permanent BMP plan (for the post-construction period) for the purpose of addressing erosion and sediment controls, means of waste disposal, implementation of approved local plans, control of post-construction sediment and erosion control measures and maintenance responsibilities, and non-stormwater management controls.
Policy 8	Transportation and air quality measures aimed at reducing airborne emissions of oxides of nitrogen (NO _x) in the Tahoe basin shall be carried out.
<u>Consistent</u>	As described in Section 4.2, Air Quality, Alternatives 1– 4 would incorporate mitigation measures to reduce temporary construction emissions, including NO _x . Based on the modeling conducted, project operations (including vehicle operation) would not exceed any of the applicable thresholds. All residential units would be equipped with natural gas fireplaces and all project-related stationary sources (e.g., natural gas fired water heaters and central furnaces) would comply with Section 91.3 of the TRPA Code of Ordinances.
GOAL #2	Reduce or eliminate the addition of other pollutants that affect, or potentially affect, water quality in the Tahoe basin.
Policy 1	All persons engaging in public snow disposal operations in the Tahoe region shall dispose of snow in accordance with site criteria and management standards in the Handbook of Best Management Practices.
<u>Consistent</u>	Alternatives 1– 4 include on-site snow storage areas and permanent BMPs which will manage storm water components (including a drainage and treatment system with on-site detention basins) to manage and treat snowmelt. In addition, final plans (to be approved prior to commencement of construction) shall include a permanent BMP plan and BMP maintenance plan as described in Mitigation Measure 4.7.1-1B in Section 4.7, Hydrology and Water Quality. All water quality BMPs shall be applied according to guidance in TRPA’s <i>Handbook of Best Management Practices</i> and other TRPA and Douglas County enacted sources.
Policy 5	No person shall discharge solid wastes in the Lake Tahoe region by depositing them on or in the land, except as provided by TRPA ordinance.
<u>Consistent</u>	As discussed in Section 4.11, Public Services and Utilities, solid waste disposal services for the project site would be provided by South Tahoe Refuse.
COMMUNITY DESIGN	
GOAL #1	Ensure preservation and enhancement of the natural features and qualities of the region, provide public access to scenic views, and enhance the quality of the built environment.
Policy 1	The scenic quality ratings established by the environmental thresholds shall be maintained or improved.
<u>Consistent</u>	As discussed in Section 4.13, Scenic Resources, with the exception of Alternative 2, all of the development alternatives proposed would have a less than significant impact on the scenic quality ratings established by the TRPA environmental thresholds. The rock fence proposed as part of Alternative 2 would have a potentially significant impact on SR-1, TRPA Travel Route Threshold Ratings. Implementation of Mitigation Measure 4.13.2-1 would require the applicant maintain the existing metal fence surrounding the site in lieu of building the rock fence, thereby reducing this impact to less-than-significant. All project development alternatives would include placement of a portion of the existing 14-kV line between the power pole at Lake Village Drive on the project site and the power pole located above and to the north of Burke Creek on the project site, in an underground configuration beneath the proposed on-site roadway. This action would be consistent with recommendations contained in the SQIP for improving scenic quality within Roadway Travel Unit 31, Meadow.
GOAL #2	Regional building and community design criteria shall be established to ensure attainment of the scenic thresholds, maintenance of desired community character, compatibility of land uses, and coordinated project review.
Policy 1	Regional design review shall include the following to be used in evaluating projects throughout the region. This

**Table 4.8-2
Land Use Policy Consistency Analysis**

review may entail additional requirements for or special requirements not listed below.

- A. Site Design: All new development shall consider site design which includes, at a minimum:
 - 1) Existing natural features to be retained and incorporated into the site design.
 - 2) Building placement and design to be compatible with adjacent properties and consideration of solar exposure, climate, noise, safety, fire protection, and privacy.
 - 3) Site planning to include a drainage, infiltration, and grading plan meeting BMP standards.
 - 4) Access, parking, and circulation to be logical, safe, and meet the requirements of the transportation element.

- B. Building Height, Bulk and Scale: Standards shall be adopted to ensure attractive and compatible development. The following shall be considered:
 - 1) Building height shall be limited to two stories except that provisions for additional height requirements shall be provided for unique situations such as lighting towers, ski towers, steep sites, redevelopment projects and tourist accommodation facilities.
 - 2) Building height limits shall be established to ensure that buildings do not project above the forest canopy, ridge lines, or otherwise detract from the viewshed.
 - 3) Buffer requirements shall be established for noise, snow removal, aesthetic, and environmental purposes.
 - 4) The scale of structures should be consistent with surrounding uses.
 - 5) Viewshed should be considered in all new construction. Emphasis should be placed on lake views from major transportation corridors.

- C. Landscaping: The following should be considered with respect to this design component of a project:
 - 1) Native vegetation should be utilized whenever possible.
 - 2) Vegetation should be used to screen parking and to alleviate long strips of parking space.
 - 3) Plants should be used to give privacy, reduce glare and heat, deflect wind, muffle noise, prevent erosion, and soften the line of architecture.

- D. Lighting: Lighting increases the operational efficiency of a site. In determining the lighting for a project, the following should be considered:
 - 1) Exterior lighting should be minimized with an emphasis on safety and should be consistent with the architectural design.
 - 2) Overall levels should be compatible with the neighborhood light level. Emphasis should be placed on a few, well placed, low intensity lights.
 - 3) Lights should not blink, flash, or change intensity.

- E. Signing: In determining sign design, the following should be considered:
 - 1) Off premise signs are prohibited.
 - 2) Signs should be incorporated into building design.
 - 3) When possible, signs should be consolidated into clusters to avoid clutter.
 - 4) Signage should be attached to buildings when possible.
 - 5) Standards for height, lighting, and square footage for on premise signs shall be formulated and shall be consistent with the land uses permitted in each district.

Consistent As described in Chapters 2, 3, and 4 of this EIS, all development alternatives (Alternatives 1 – 4) would be developed within the allowable site coverage limits, and would include improved drainage, temporary and permanent BMPs, sufficient vehicular site access, emergency access, sufficient parking, the undergrounding of 14.4 kV utility lines, building designs that comply with TRPA scenic thresholds, building heights that are consistent with TRPA height standards, native landscaping, compatible lighting, and no off-site signs.

TRANSPORTATION

Objective 2 Plan for and promote land use changes and development patterns that will encourage the use of alternative transportation modes and minimize impacts on the existing transportation system.

**Table 4.8-2
Land Use Policy Consistency Analysis**

Policy C	Development patterns shall provide for the in-fill of existing areas, making use of existing transportation facilities and promoting the use of alternative transportation modes.
<u>Consistent</u>	<p>The currently undeveloped Sierra Colina Village Project site is located in an urban area (as defined in Chapter 2 of the TRPA Code) near U.S. 50 less than one mile northeast of the California-Nevada stateline area, which includes the casino core, gondola areas, and numerous retail and commercial services. Residents at the project site would have access to the BlueGo Flex Route service on U.S. 50.</p> <p>All of the development alternatives are a permissible and planned for use under the Regional Plan via PAS 073 and therefore do not conflict with the planned development pattern for the Basin. In addition, Alternatives 1, 3, and 4 each propose 3 public access pedestrian/bicycle paths (LPFs 2, 4 and 5) and one shared public access roadway (LPF 3) that would connect to the Kahle Park and Community Center; to the Class I bicycle trail east of the project site (accessible via the Kingsbury Middle School parking lot), and to U.S. 50 and the commercial center southwest of the project site. These paths would be available for use by future residents as well as by the general public. These paths would be included in an open space land conveyance to a public entity (see Chapter 2, Project Description, and Chapter 3, Alternatives, for more information about the open space land conveyance).</p>
Policy D	New, expanded, or revised developments shall fully mitigate their regional and cumulative traffic impacts.
<u>Consistent</u>	<p>As discussed in Section 4.14, Transportation and Circulation, temporary construction traffic associated with implementation of Alternatives 1 - 4 would have a significant impact on the Lake Village Drive westbound left turn approach to U.S. 50. The Lake Village Drive westbound left turn approach to U.S. 50 would also be significantly impacted by additional vehicle trips created by implementation of Alternative 1, 3 or 4. Construction of LPF4 (a pedestrian/bicycle path), part of the site plan for Alternatives 1, 3, and 4 would create an unsafe condition where it intersects with U.S. 50. This would also be a significant impact. Implementation of Alternative 4 is one space short of meeting the Douglas County parking requirements for the residential complex. Section 4.14 proposes mitigation measures to reduce all of these impacts to a less-than-significant level. As discussed in Section 4.15, Cumulative, the project would not make a significant contribution to any cumulative traffic impacts.</p>
Policy E	Parking for residential usage shall meet TRPA standards and shall be provided on-site.
<u>Consistent</u>	<p>As discussed in Section 4.14, Transportation and Parking, Alternatives 1, 2, and 3 would provide sufficient parking to meet the demands of the development proposed under each respective alternative. Implementation of Mitigation Measure 4.14.4-6 (adding one additional space for visitors to the lodge style building, or obtaining a formal waiver or variance from Douglas County) would ensure sufficient parking under Alternative 4. Alternative 5 would not alter existing parking need or capacity.</p>
Policy G	Driveways shall be designed and sited to minimize impacts on public transportation, adjacent roadways and intersections, bicycle and pedestrian facilities.
<u>Consistent</u>	<p>Residential units would each have their own driveways. Driveways constructed under Alternatives 1, 3, and 4 would only connect with the main project roadway. The driveway for Alternative 2 would connect directly to Lake Village Drive. This new connection would have sufficient site distance and would include a stop sign at Lake Village Drive (see Section 4.14, Transportation and Circulation, in this document). There are no existing or planned public transportation facilities on roadways to which any proposed driveways under any of the alternatives would connect. There are no existing or planned bicycle or pedestrian facilities at locations where the proposed new main roadway for Alternatives 1, 3, and 4 would connect to Lake Village Drive. LPF 3 (the access roadway) for Alternatives 1, 3, and 4 would be shared by both public pedestrians and bicyclists with residents of and visitors to the Sierra Colina Village project in vehicles or on foot or bicycle. Alternative 5, the No Project Alternative would not involve construction of any roads or driveways.</p>
Objective 4	Develop and encourage the use of pedestrian and bicycle facilities as a safe and viable alternative to automobile use.
Policy A	There shall be a high priority on constructing pedestrian and bicycle facilities in urbanized areas of the Region and where reductions in congestion will result.

**Table 4.8-2
Land Use Policy Consistency Analysis**

Consistent Alternatives 1, 3, and 4 propose construction of three pedestrian/bicycle paths (LPFs 2, 4 and 5) and one shared access roadway (LPF 3) on the project site for public use. These paths and roadways would connect or facilitate future connections to nearby land uses and/or other public use pathways. No bicycle or pedestrian facilities are proposed as part of Alternatives 2 or 5. However, residents of the proposed single family grand estate would have access to the existing Class I bicycle trail accessible via the Kingsbury Middle School Parking lot. This path runs from Kingsbury Grade to Elks Point Road and down to Nevada Beach (see Section 4.12, Recreation).

Policy D Local roadways connecting residential areas, and connecting residential areas with nonresidential areas, may be constructed, provided these roadways are designed to improve local circulation and will not induce through traffic.

Consistent Alternatives 1, 3, and 4 include the construction of a new main roadway that would provide access through the project site and connect to Lake Village Drive. The roadway/driveway for Alternative 2 would connect directly to Lake Village Drive. None of the roadways proposed for any of the alternatives would induce through traffic on Lake Village Drive. Vehicles en route to the project site would travel a relatively short distance from U.S. 50 to the entrance(s) for the new roadways.

Policy E Bicycle and pedestrian linkages shall be provided between residential and nonresidential areas.

Consistent Alternatives 1, 3, and 4 propose the construction of four new LPFs, including one public roadway and three pedestrian/bicycle paths on the project site for public use. This roadway and these paths would connect to nearby land uses and/or other public use pathways. The LPFs proposed for Alternatives 1, 3, and 4 are essentially the same, with minor differences in configuration based on individual site plans. The proposed LPFs (LPFs 2-5) are described below. LPF 1 is Lake Village Drive, the existing two-lane roadway that runs through and immediately north of the project site. As an existing roadway, it is not considered a proposed component of either Alternative 1 or any of the other proposed Alternatives.

LPF 2: Round Hill/Kahle Park pedestrian/bike path. This proposed feature would be an 8-foot wide, pedestrian/bike path at the southeast corner of the project site. LPF #2 would provide a paved access route for bicyclists and pedestrians passing through the project site between the undeveloped USFS land and Kahle Community Center. Existing unpaved and unmapped trails exist on the USFS land immediately east of the project site's property boundary. LPF #2 would also facilitate a future connection between Kahle Community Center and the existing Round Hill/Kingsbury Grade Class I bike trail that connects Round Hill to Kingsbury Middle School and to a Lower Kingsbury residential subdivision.

LPF 3: Sierra Colina Village Access Roadway. This proposed feature would be a 20-foot wide linear roadway through the project site. The roadway would be accessible to and shared among vehicles, pedestrians and bicycles and would connect to Lake Village Drive in two locations, as well as with proposed LPFs 4 and 5.

LPF 4: Sierra Colina to U.S. 50 pedestrian/bike path. This pedestrian/bike path would be an 8-foot wide path to connect the project site (and areas to the north and east) to U.S. 50, Stateline Transit Center, Douglas County Administration Complex, the Stateline Medical Clinic, and bicycling and hiking trail access across U.S. 50 at Kahle Avenue.

LPF 5: Sierra Colina/Kahle Park pedestrian/bike path. This pedestrian/bike path would be an 8-foot wide path through the SEZ that would include an overpass/elevated walkway over Burke Creek to connect the project site (and areas to the north and east) with Kahle Park and Community Recreation Center.

The location of existing pedestrian/bicycle pathways and recreational facilities in the project area and proposed pedestrian/bicycle pathways for Alternative 1 are shown in Exhibits 4.12-1 and 4.12-2 (Section 4.12 Recreation). These proposed LPFs provide linkages between the project site and public access through Sierra Colina to Kahle Park and Community Recreation Center, and to the Stateline urban core and to the South Lake Tahoe area beyond. Transportation benefits of these proposed LPFs could include:

**Table 4.8-2
Land Use Policy Consistency Analysis**

- ▶ reduced VMTs by getting residents & visitors out of cars and onto maintained trails;
- ▶ enhanced public safety between Stateline & Round Hill via safe, non-vehicular transit; and
- ▶ creation of pedestrian and bicycle access for residents, employees & visitors from area neighborhoods,
- ▶ businesses, public services & recreational facilities.

The construction of these facilities is expected to not only reduce vehicular traffic to/from the project site, but also to/from neighboring communities and land uses. These facilities will provide connectivity to existing and future and pedestrian/bicycle routes. TRPA may consider costs of these facilities in assessing the air quality mitigation fee. Instead of paying an air quality mitigation fee, a project proponent may provide regional and cumulative mitigation measures, including, but not limited to, bicycle facilities and pedestrian facilities. Due to LPFs 2, 4 and 5 bicycle and pedestrian facilities voluntarily proposed by the applicant under Alternative 1, TRPA will evaluate whether these constitute, under Section 93.3.C(2), mitigation measures which qualify for an in lieu contribution credit against the monetary contribution required under Section 93.3.D. The construction of the three pedestrian/bicycle paths LPFs 2, 4 and 5 included in Alternative 1 would reduce the number of new trips generated under Alternatives 1, 3 and 4.

VEGETATION

GOAL #1 Provide for a wide mix and increased diversity of plant communities in the Tahoe Basin.

Policy 5 Permanent disturbance or unnecessary alteration of natural vegetation associated with development activities shall not exceed the approved boundaries [or footprints] of the building, driveway, or parking structures, or that which is necessary to reduce the risk of fire or erosion.

Consistent Site plans for all of the development alternatives indicate that project footprints would generally include buildings, driveways, one roadway through the project site, and a common area that would contribute to ‘defensible space’ for the development. The roadway is necessary to access the individual residential units since the site is currently undeveloped, without an existing roadway for access.

All development alternatives would be required to adhere to the final site plans as approved by TRPA. These plans would include detailed descriptions of construction activities including the construction mitigation measures identified in Section 4.4, Vegetation and Wildlife, regarding tree removal and other disturbances to vegetation, including riparian vegetation. These mitigation measures include minimizing or avoiding impacts to and/or compensating for the loss of riparian vegetation.

Policy 6 The management of vegetation in urban areas shall be in accordance with the policies of this plan and shall include provisions that allow for the perpetuation of the natural-appearing landscape.

Consistent Alternatives 1 – 4 would implement native landscaping on the project site that would include native species of trees, plants, and grasses. A conceptual landscaping vegetation plan for Alternative 1 is shown in Table 2-5 in Chapter 2, Project Description. Alternatives 3 and 4 would include landscaping plans with similar species and placement and components as that described for Alternative 1 (Proposed Project). As discussed in Chapter 2, Project Description, the intent is not to landscape the entire site but rather, it is to revegetate areas disturbed by

construction. A final landscaping plan would be required for approval of final site plans by TRPA for any of the development alternatives, including Alternative 2 (Grand Private Estate).

Policy 8 Revegetation of disturbed sites shall require the use of species approved by the Agency. TRPA shall prepare specific policies designed to avoid the unnecessary use of landscaping which requires long-term irrigation and fertilizer use.

Consistent Alternatives 1 – 4 would implement native landscaping on the project site that would include native species of trees, plants, and grasses. An irrigation system would be proposed for the project site and conservation elements would be included in a temporary irrigation system as well. Use of fertilizer would be managed and final landscaping plans would include a fertilizer management plan. Standards related to specific spacing and

**Table 4.8-2
Land Use Policy Consistency Analysis**

height requirements for each type of vegetation would also be included in the final landscaping plan, as well as planting standards designed to insure successful plant establishment of native vegetation. See Chapter 2, Project Description, for additional detail.

Policy 9 All proposed actions shall consider the cumulative impact of vegetation removal with respect to plant diversity and abundance, wildlife habitat and movement, soil productivity and stability, and water quality and quantity.

Consistent Project-level and cumulative impacts associated with vegetation removal on plant diversity and abundance, wildlife habitat and movement, soil productivity and stability and water quality and quantity, would be less than significant or would be reduced to less than significant levels by mitigation measures introduced in Section 4.4, Biological Resources, Section 4.5, Geology, Soils and Land Capability and Coverage, and Section 4.7, Hydrology and Water Quality.

GOAL #2 Provide for the maintenance and restoration of such unique eco-systems as wetlands, meadows, and other riparian vegetation.

Policy 2 Riparian plant communities shall be restored or expanded whenever and wherever possible.

Consistent At this time, TRPA's EIP Project #161 (EIP #161), which involves restoration of approximately two miles of Burke Creek near the U.S. 50 Burke Creek Culvert, including the small portion that runs across/adjacent to the project site, is in its initial stages. The EIP project was recently allocated funding with proceeds generated by the Southern Nevada Public Land Management Act (SNPLMA) in SNPLMA Lake Tahoe Basin Restoration Act Round 6. The project itself does not include plans for restoration of SEZ habitat and associated riparian plant communities on the project site, but the applicant is supportive of EIP project #161, subject to prior TRPA project approval of either Alternative 1, 3 or 4 (with project conditions acceptable to the applicant). Implementation of any of the alternatives would not result in any changes to the project site that would prevent restoration of the Burke Creek SEZ and associated riparian areas. However, implementation of restoration plans for EIP #161 on the portion of Burke Creek on the Sierra Colina parcel would require the cooperation of the project applicant, (which would only be forthcoming in connection with a prior TRPA project approval of either Alternative 1, 3 or 4 [with project conditions acceptable to the applicant]).

Upon completion of construction of all phases of the approved project, including the proposed four LPFs, Alternatives 1, 3, and 4 include the conveyance of approximately 10.7 acres of the parcel in Alternatives 1 and 4 (and approximately 12.6 acres of the parcel in Alternative 3) to a public entity for the purpose of open space. This conveyance will include 2.4 acres of SEZ (including the portion of Burke Creek on the parcel) on the 18 acre parcel. Through a deed-restriction and public ownership of the conveyed land, the Sierra Colina SEZ (including the portion of Burke Creek located therein) would be protected in perpetuity from future development.

Alternatives 2 and 5 would not include any such open space easement or public conveyance of either the Sierra Colina SEZ or any other portion of the parcel.

GOAL #3 Conserve threatened, endangered, and sensitive plant species and uncommon plant communities of the Lake Tahoe Basin.

Policy 1 Uncommon plant communities shall be identified and protected for their natural values.

Consistent The project site does not contain any uncommon vegetation or late seral/old growth ecosystems as defined by TRPA. The project site is dominated by Jeffrey pine forest and the SEZ is dominated by riparian habitats including montane riparian aspen-forest and wet meadow.

Upon completion of construction of all phases of the approved project, including the proposed four LPFs, Alternatives 1, 3, and 4 include the conveyance of approximately 10.7 acres of the parcel in Alternatives 1 and 4 (and approximately 12.6 acres of the parcel in Alternative 3) to a public entity for the purpose of open space. This conveyance will include all 2.4 acres of SEZ (including the portion of Burke Creek on the parcel) found on the 18 acre parcel. The approximately 8.3 acre balance of the conveyance in Alternatives 1 and 4, and the approximately 10.13 acre balance of the conveyance in Alternative 3 is Jeffrey pine common forest which will

**Table 4.8-2
Land Use Policy Consistency Analysis**

provide a natural buffer to protect the 2.4 acres of SEZ from potential disturbance associated with surrounding land uses. Through a deed-restriction and public ownership of the conveyed land, the Sierra Colina SEZ (including the portion of Burke Creek located therein) would be protected in perpetuity from future development for the benefit of the public and of the environment.

Alternatives 2 and 5 would not include any such open space easement or public conveyance of either the Sierra Colina SEZ or any other portion of the parcel.

WILDLIFE

GOAL #1 Maintain suitable habitats for all indigenous species of wildlife without preference to game or nongame species through maintenance of habitat diversity.

Policy 1 All proposed actions shall consider impacts to wildlife.

Consistent Section 4.4, Biological Resources, describes and analyzes potential impacts to wildlife that would occur as a result of the project. The section finds that implementation of any of the development alternatives could remove nesting habitat or disturb active nests of common raptors and could potentially degrade wildlife habitats of special significance and wildlife movement corridors. Mitigation measures are recommended to reduce the effects of development on common raptors, wildlife habitats of special significance and potential wildlife corridors to less-than-significant levels. The effects of the development on other special-status animal species would not be significant because the project site does not likely function as an important habitat area for these species.

Development of the project site has the potential to affect fish habitat due to increases in erosion and surface runoff into Burke Creek; however this impact would be less than significant due to implementation of temporary and permanent BMPs (as described in Chapter 2, Project Description, Chapter 3, Alternatives, and in Section 4.7, Hydrology and Water Quality), which would reduce this potential impact to less than significant.

Policy 2 Riparian vegetation shall be protected and managed for wildlife.

Consistent Alternatives 1, 3, and 4 include the conveyance of approximately 10.7 acres of the parcel in Alternatives 1 and 4 (and approximately 12.6 acres of the parcel in Alternative 3) to a public entity for the purpose of open space. This conveyance would include 2.4 acres of SEZ (including the portion of Burke Creek on the project site). The approximately 8.3 acre balance of the conveyance in Alternatives 1 and 4, and the approximately 10.13 acre balance of the conveyance in Alternative 3 is Jeffrey pine common forest. Through a deed-restriction and public ownership of the conveyed land, the Sierra Colina SEZ would be protected in perpetuity from future development.

Alternative 2 does not include any open space easement or public conveyance of the SEZ or of any portion of the project site, but does include mitigation measures to avoid, minimize and/or compensate for impacts to riparian vegetation on the project site.

Under Alternative 5 the existing disturbance to riparian vegetation due to illegal trespassing on the project site would be projected into the future.

GOAL #2 Preserve, enhance, and, wherever feasible, expand habitats essential for threatened, endangered, rare, or sensitive species found in the Basin.

Policy 1 Endangered, threatened, rare, and special interest species shall be protected and buffered against conflicting land uses.

Consistent No endangered, threatened, rare, or special status species have been identified on the project site.

**Table 4.8-2
Land Use Policy Consistency Analysis**

FISHERIES

GOAL #1 Improve aquatic habitat essential for the growth, reproduction, and perpetuation of existing and threatened fish resources in the Lake Tahoe Basin.

Policy 1 Development proposals affecting streams, lakes and adjacent lands shall evaluate impacts to the fishery.

Consistent As described above and in Section 4.4, Biological Resources, all of the development alternatives have the potential to affect fish habitat due to increases in erosion and surface runoff into Burke Creek; however this impact would be less than significant with implementation of temporary and permanent BMPs and the implementation of a stormwater management plan.

SOILS

GOAL #1 Minimize soil erosion and the loss of soil productivity.

Policy 1 Allowable impervious land coverage shall be consistent with the threshold for impervious land coverage.

Consistent Existing overall available land coverage on the project site is adequate for the construction of Alternative 2. Alternatives 1, 3 and 4 will require the transfer of coverage to the site for the development of the LPFs. Any land coverage transfer would be consistent with TRPA regulations. Alternatives 1 – 4 include implementation of appropriate temporary and permanent BMPs by the project applicant to reduce runoff and associated soil erosion.

Policy 2 No new land coverage or other permanent disturbance shall be permitted in land capability district 1-4 except for those uses as noted in A, B and C below.

A. Single family dwellings may be permitted in land capability districts 1-3 when reviewed and approved pursuant to the individual parcel evaluation system (IPES). (See Goal #1, Policy 2, Development and Implementation Subelement).

B. Public outdoor recreation facilities may be permitted in land capability districts 1-3 if:

- (1) The project is a necessary part of a public agency’s long range plans for public outdoor recreation;
- (2) The project is consistent with the recreation element of the Regional Plan;
- (3) The project, by its very nature must be sited in land capability districts 1-3;
- (4) There is no feasible alternative which avoids or reduces the extent of encroachment in land capability districts 1-3;
- (5) The impacts are fully mitigated; and
- (6) Land capability districts 1-3 lands are restored in the amount of 1.5 times the area of land capability districts 1-3 which is disturbed or developed beyond that permitted by the Bailey coefficients.

To the fullest extent possible, recreation facilities must be sited outside of Land Capability Districts 1-3. However, the six-part test established by the policy allows encroachment of these lands where such encroachment is essential for public outdoor recreation, and precautions are taken to ensure that such lands are protected to the fullest extent possible. The restoration requirements of this policy can be accomplished on-site or off-site, and shall be in lieu of any coverage transfer or coverage mitigation provisions elsewhere in this Plan.

C. Public service facilities are permissible uses in land capability districts 1-3 if:

- (1) The project is necessary for public health, safety or environmental protection;
- (2) There is no reasonable alternative, which avoids or reduces the extent of encroachment in land capability districts 1-3;
- (3) The impacts are fully mitigated; and
- (4) Land capability districts 1-3 lands are restored in the amount of 1.5 times the area of land capability districts 1-3 which is disturbed or developed beyond that permitted by the Bailey co-efficients.

Development within Land Capability Districts 1-3 is not consistent with the goal to manage high hazard lands for their natural qualities and shall generally be prohibited except under extraordinary circumstances involving public works. Each circumstance shall be evaluated based on the above four-point test of this policy. The

**Table 4.8-2
Land Use Policy Consistency Analysis**

restoration requirements of this policy can be accomplished on-site or off-site, and shall be in lieu of any coverage transfer or coverage mitigation provisions elsewhere in this Plan.

Consistent All development alternatives are consistent with TRPA policy in regards to land capability and coverage regulations. The majority of development would occur on the high capability land areas on the project site. In cases where permanent disturbance in land capability districts 1-3 would occur, the project would adhere to the mitigation/restoration policies described in this Policy. Alternatives 1-4 propose the removal, restoration and revegetation of 1,900 square feet of TRPA-verified existing coverage in 1b SEZ on the parcel. This coverage will be relocated to other areas on the project site in accordance with TRPA Codes. All coverage required to create the LPFs will be transferred to the parcel as provided by Chapter 20 of the TRPA Code of Ordinances.

Policy 6 Grading, filling, clearing of vegetation (that disturbs soil), or other disturbances of the soil are prohibited during inclement weather and for the resulting period when the site is covered with snow or is in a saturated, muddy, or unstable condition. Special regulations and construction techniques will apply to all construction activities occurring from October 15 to May 1.

Consistent Section 4.5, Geology, Soils, Land Capability and Coverage and Section 4.7, Hydrology and Water Quality, discuss potential soil disturbances resulting from project construction. Both sections contain mitigation measures to avoid or minimize soil disturbance. The project applicant would be responsible for ensuring proper installation and maintenance of erosion control winterization during project construction. In addition, the project applicant would be required to prepare a temporary BMP plan and a permanent BMP plan in compliance with all applicable TRPA and Douglas County codes, ordinances and laws.

SCENIC

GOAL #1 Maintain and restore the scenic qualities of the natural appearing landscape.

Policy 1 All proposed development shall examine impacts to the identified landscape view from roadways, bike paths, public recreation areas, and Lake Tahoe.

Consistent Section 4.13, Scenic Resources, discusses each alternative with respect to its impact on TRPA scenic environmental thresholds. With the exception of Alternative 2, all of the development alternatives proposed would have a less than significant impact on the scenic quality ratings established by the TRPA environmental thresholds. The rock fence proposed as part of Alternative 2 would have a potentially significant impact on SR-1, TRPA Travel Route Threshold Ratings. Implementation of Mitigation Measure 4.13.2-1 would require the applicant maintain the existing metal fence surrounding the site in lieu of building the rock fence, thereby reducing this impact to less-than-significant.

Policy 2 Any development proposed in areas targeted for scenic restoration or within a unit highly sensitive to change shall demonstrate the effect of the project on the 1982 Travel Route Ratings of the Scenic Thresholds.

Consistent Section 4.13, Scenic Resources, discusses each alternative with respect to its impact on TRPA travel route ratings. As noted above, with the exception of Alternative 2, all of the development alternatives proposed would have a less than significant impact on the scenic quality ratings established by TRPA, including the 1982 Travel Route Ratings of the Scenic Thresholds.

STREAM ENVIRONMENT ZONE

GOAL #1 Provide for the long-term preservation and restoration of stream environment zones.

Policy 1 Restore all disturbed stream environment zone lands in undeveloped, unsubdivided lands, and restore 25 percent of the SEZ lands that have been disturbed, developed, or subdivided.

Consistent The project itself does not include plans to restore the SEZ on the project site. However, mitigation measures in Section 4.4, Biological Resources, associated with construction in the SEZ (LPF 5 under Alternatives 1, 3, and 4 and a bridge/elevated roadway under Alternative 2) would result in no net loss of SEZ. Alternatives 1, 2 3 and 4 of the project include a proposal to remove, restore and revegetate 1,900 square feet of TRPA-verified existing coverage in 1b SEZ on the project parcel. This coverage will be relocated to other areas on the project

**Table 4.8-2
Land Use Policy Consistency Analysis**

site in accordance with TRPA Codes.

Additionally, upon completion of construction of all phases of the approved project, including the proposed four LPFs, Alternatives 1, 3, and 4 include the voluntary conveyance of approximately 10.7 acres of the parcel in Alternatives 1 and 4 (and approximately 12.5 acres of the parcel in Alternatives 3) to a public entity for the purpose of open space. This conveyance will include 2.4 acres of SEZ (including the portion of Burke Creek on the parcel) on the 18 acre parcel. The approximately 8.3 acre balance of the conveyance in Alternatives 1 and 4, and the approximately 10.13 acre balance of the conveyance in Alternative 3 is Jeffrey pine common forest which will provide a natural buffer to protect the 2.4 acres of SEZ from disturbance associated with surrounding land uses. This land conveyance would include the entire 2.4 acre Sierra Colina SEZ located on the project site. Through a deed-restriction and public ownership of the conveyed land, the Sierra Colina SEZ (including the portion of Burke Creek located therein) would be protected in perpetuity from future development for the benefit of the public and of the environment.

Alternatives 2 and 5 would not include any such open space easement or public conveyance of either the Sierra Colina SEZ or any other portion of the parcel.

Also, as discussed above, EIP #161, which includes restoration of the small portion of Burke Creek and its associated SEZ that runs across/adjacent to the project site, would restore the SEZ in this area. The project itself does not include plans for restoration of SEZ habitat and associated riparian plant communities on the project site, but the applicant is supportive of EIP project #161, subject to prior TRPA project approval of either Alternative 1, 3 or 4 (with project conditions acceptable to the applicant). Implementation of any of the alternatives would not result in any changes to the project site that would prevent restoration of the Burke Creek SEZ and associated riparian areas. However, implementation of restoration plans for EIP #161 on the portion of Burke Creek on the Sierra Colina parcel would require the cooperation of the project applicant, (which would only be forthcoming in connection with a prior TRPA project approval of either Alternative 1, 3 or 4 [with project conditions acceptable to the applicant]).

Policy 5 No new land coverage or other permanent land disturbance shall be permitted in stream environment zones except for those uses as noted under this policy.

Consistent All of the development alternatives would result in land coverage within the SEZ associated with construction of a crossing over Burke Creek (LPF 5 under Alternatives 1, 3, and 4 and a bridge/elevated roadway under Alternative 2). However, mitigation measures in Section 4.4, Biological Resources, associated with construction and coverage in the SEZ would result in no net loss of SEZ. Alternatives 1, 3, and 4 of the project include a proposal to remove, restore and revegetate 1,900 square feet of TRPA-verified existing coverage in 1b SEZ on the project parcel. This coverage will be relocated to other areas on the project site in accordance with TRPA Codes. Implementation of any of the alternatives would not result in any changes to the project site that would prevent restoration of the Burke Creek SEZ and associated riparian areas under EIP #161, which includes restoration of the portion of Burke Creek and its associated SEZ that runs across/adjacent to the project site. However, implementation of restoration plans for EIP #161 on the portion of Burke Creek on the Sierra Colina parcel would require the cooperation of the project applicant, (which would only be forthcoming in connection with a prior TRPA project approval of either Alternative 1, 3 or 4 [with project conditions acceptable to the applicant]).

Policy 6 Replacement of existing coverage in stream environment zones may be permitted where the project will reduce impacts on stream environment zones and will not impede restoration efforts.

Consistent Only Alternative 2 utilizes the existing verified coverage within the SEZ. Implementation of Alternative 2 would not impede restoration of the SEZ that would occur under EIP #161. However, implementation of restoration plans for EIP #161 on the portion of Burke Creek on the Sierra Colina parcel would require the cooperation the project applicant, (which would only be forthcoming in connection with a prior TRPA project approval of either Alternative 1, 3 or 4 [with project conditions acceptable to the applicant]).

Additionally, under Alternative 2, the project site would be developed with a single-family grand estate and

**Table 4.8-2
Land Use Policy Consistency Analysis**

would remain as a fenced, privately-owned parcel. Under Alternatives 1, 3, and 4, the project site would be developed with a number of multi-family housing units varying from a low of 37 (Alternative 3) to a high of 54 (Alternative 4). Construction and occupation of residential structures in Alternatives 1, 2, 3 and 4 on the site could reduce or eliminate unauthorized use of the site and, therefore, reduce human impacts to the SEZ. Under Alternative 5 the parcel would remain in its existing condition.

CULTURAL

GOAL #1 Identify and preserve sites of historical, cultural, and architectural significance within the region.

Policy 1 Historical or culturally significant landmarks in the Basin shall be identified and protected from indiscriminate damage or alteration.

Consistent Archival research, Native American consultation, and an intensive field inventory conducted on the project site identified no significant prehistoric or historic-era sites or features on the project site. Mitigation identified in Section 4.3, Cultural Resources, would ensure that impacts on previously undiscovered cultural resources would be reduced to less-than-significant levels.

There are currently no TRPA or other regulations applicable to either the project site or to any of the proposed project Alternatives 1 – 4 requiring the protection of SCT-1 (a boulder mortar cup) (See Section 4.3, Archeological and Cultural Resources), as it is not a designated significant cultural resource. However, the applicant is planning to protect SCT-1 on a voluntary basis in Alternatives 1, 2, 3 and 4. Encouraging the protection of the Washoe cultural heritage is a goal of both the TRPA and Douglas County. Alternative 5 would not provide this protection of SCT-1.

Implementation of Alternatives 1, 3 or 4 would result in the proposed project proceeding to acquire LEED certification for green sustainability, which contains a component for Community awareness and education of the sustainable attributes of the property. Alternative 2, the Grand Private Estate and Alternative 5, the No Project Alternative, would have no such community awareness component. Contributions to community environmental awareness of the site would include its history and cultural resources and would be consistent with TRPA Goals and Policies to maintain the educational benefits of the Region. Encouraging community environmental and cultural awareness of residents and visitors to the site would be considered beneficial.

Implementation of Alternative 1, 3 or 4 would result in the voluntary conveyance to a public entity for the purpose of open space preservation of sensitive land by the applicant of approximately 10.7 acres of the 18.0 acre project site (including 2.4 acres of SEZ on the site) with respect to Alternatives 1 and 4 and approximately 12.6 acres of the 18.0 acre project site (including 2.4 acres of SEZ on the site) with respect to Alternative 3. This proposed land conveyance includes the SEZ land on which SCT-2 is located and would provide for a public entity to protect and preserve SCT-2, supporting Douglas County Goals and Policies and TRPA’s Goals and Policies with respect to cultural resources in the Tahoe Basin. Alternatives 2 and 5 would not include this protection in perpetuity of SCT-2.

ENERGY

GOAL #1 Promote energy conservation programs and development of alternative energy sources to lessen dependence on scarce and high-cost energy supplies.

Policy 1 All new development shall comply with state and federal energy efficiency standards.

Consistent All development alternatives would comply with state and federal energy efficiency standards. Additionally, Alternatives 1, 3, and 4 would seek to achieve a Leadership in Energy and Environmental Design (LEED®) rating from the U.S. Green Building Council. LEED® certification requires advanced energy and resources saving technology to be implemented into building design. Alternatives 1, 3 and 4 will use environmentally preferable materials and the latest recycled content technology. Efficient advanced framing techniques will reduce waste from framing.

Policy 2 A coordinated program to encourage recycling of waste products should be developed.

**Table 4.8-2
Land Use Policy Consistency Analysis**

Consistent As described in Section 4.11, Public Services and Utilities, all development alternatives include plans to provide solid waste removal service to the site. South Tahoe Refuse, the waste removal service provider, sorts waste from recyclable materials at their facility in South Lake Tahoe.

DEVELOPED RECREATION

GOAL #2 Provide for the appropriate type, location, and rate of development of outdoor recreational uses.

Policy 2 Bike trails shall be expanded to provide alternatives for travel in conjunction with transportation systems.

Consistent The pedestrian/bicycle trails (LPFs 2, 4 and 5) and shared access road (LPF 3) proposed for this project under Alternatives 1, 3, and 4 would connect with and provide future opportunities for connection with nearby roadways and public use trails in the area. As a private, single-family estate, Alternatives 2 and 5 do not include any public trails or recreation facilities. Under Alternatives 2 and 5 the project site would remain fenced with no public access.

PUBLIC SERVICES AND FACILITIES ELEMENT

GOAL #1 Public services and facilities should be allowed to upgrade and expand to support existing and new development consistent with the regional plan.

Policy 2 Expansion of public services and facilities should be phased to meet the needs of new development without creating inefficiencies from over-expansion or under-expansion.

Consistent All necessary public services and utilities are available to serve the project site (See Section 4.11, Public Services and Utilities.). Utility lines extended to the site would be appropriately sized to serve the proposed development. Detention basins proposed under Alternatives 1, 2, 3, and 4 would be sized to meet the standards prescribed in the TRPA Code of Ordinances to accommodate on-site runoff from new impervious surfaces.

Policy 3 All new development shall employ appropriate devices to conserve water and reduce water consumption. Existing development shall be retrofitted with water conservation devices on a voluntary basis in conjunction with a public education program operated by the utility districts.

Consistent Alternatives 1 through 4 would include the installation of appropriate devices to conserve water and reduce water consumption, including the temporary irrigation system for revegetation/landscaping of the site. A key project objective of Alternatives 1, 3 and 4 is to achieve a high level of Leadership in Energy and Environmental Design (LEED®) certification of the development. LEED® certification requires advanced energy and resources saving technology to be implemented into building design. Sierra Colina Village is an Energy Star Partner and the applicant has committed to obtaining Energy Star certification for all of its residential units. Energy Star qualified homes are independently verified to ensure that they meet strict guidelines for energy efficiency set by the U.S. Environmental Protection Agency. Energy Star homes are significantly more energy efficient than standard homes, incorporating a variety of energy-efficient features, including effective insulation, high performance windows, tight construction and ducts, efficient heating and cooling equipment and Energy Star qualified lighting and appliances. These features contribute to lower energy demand and reduced air pollution.

GOAL #2 Consider the existence of adequate and reliable public services and facilities in approving new development under the plan.

Policy 1 No additional development requiring water should be allowed in any area unless it can be demonstrated that there is adequate water supply within an existing water right.

Consistent The Kingsbury General Improvement District (KGID) has indicated that the District has sufficient water supplies to serve the project and that existing infrastructure and water pressure is adequate to provide required flows to the project site.

**Table 4.8-2
Land Use Policy Consistency Analysis**

Policy 3	No additional development requiring water shall be allowed in any area unless there exist adequate storage and distribution systems to deliver an adequate quantity and quality of water for domestic consumption and fire protection.
<u>Consistent</u>	KGID has indicated that the District has sufficient water supplies to serve the project and that existing infrastructure and water pressure is adequate to provide required flows to the project site. TDFPD has issued a “will serve” letter to the applicant for the proposed project with respect to emergency fire fighting coverage and services.
GOAL #3	Prevent liquid and solid wastes from degrading Lake Tahoe and the surface waters and groundwaters of the region.
Policy 2	All solid waste shall be exported from the region. Consolidation and transfer methods shall be developed to achieve a reduction in the volume of wastes being transported to landfills. The discharge of municipal or industrial wastewaters to the surface waters and groundwaters of the Tahoe region is prohibited, except for existing development discharging wastewaters under a state- or TRPA- approved disposal plan.
<u>Consistent</u>	As discussed in Section 4.11, Public Services and Utilities, solid waste disposal services would be provided by South Tahoe Refuse. All materials collected, including garbage and recyclables, would be transported to the materials recovery facility in South Lake Tahoe for sorting. From there, all non-recyclable material would be transferred out of the Basin and disposed of at Lockwood Landfill, a landfill with sufficient capacity east of Sparks, Nevada. The Douglas County Sewer Improvement District would collect and treat wastewater from the project site. Wastewater would be pumped to the District’s treatment plant at Round Hill and eventually to retention pools in the Carson Valley.
Policy 3	Garbage pick-up service shall be mandatory throughout the region, and will be so structured as to encourage cleanups and recycling.
<u>Consistent</u>	As discussed in Section 4.11, Public Services and Utilities, solid waste disposal services would be provided by South Tahoe Refuse. All materials collected, including garbage and recyclables, would be transported to the materials recovery facility in South Lake Tahoe for sorting.
GOAL #4	To ensure protection of the public health, safety, and general welfare of the region, educational and public safety services should be sized to be consistent with projected growth levels in this Plan.
Policy 1	The impact on educational and public safety services shall be considered when reviewing projects and plan amendments proposed in the region. To the extent feasible, adverse impacts should be mitigated as part of the review process.
<u>Consistent</u>	As discussed in Section 4.11, Public Services and Utilities, available public safety services (fire and police protection, and emergency services) are adequate and are available to serve the project site. The Tahoe Douglas School District has confirmed that the existing school facilities are capable of accommodating any increase in students caused by the project.
INSTITUTIONAL	
GOAL #1	Coordinate all planning and development review activities with the affected jurisdictions and agencies.
Policy 1	All projects proposed in the region [other than those to be reviewed and approved under the special provisions of the Compact relating to gaming] shall obtain the review and approval of the Agency.
<u>Consistent</u>	TRPA maintains discretionary authority over primary approvals for the project.
Policy 2	No project may be approved unless it is found to comply with the Regional Plan and with any ordinances, rules, and regulations enacted to effectuate the Regional Plan.
<u>Consistent</u>	Based on this consistency evaluation, Alternatives 1 through 5 would be consistent with the Goals and Policies of the Regional Plan.

**Table 4.8-2
Land Use Policy Consistency Analysis**

GOAL #4	Condition approvals for new development in the Tahoe region on positive improvements in off-site erosion and runoff control and air quality.
Policy 1	New residential, commercial, and public projects shall completely offset their water quality impacts through one of the following methods: A. Implementing off-site erosion and runoff control projects as a condition of project approval and subject to Agency concurrence as to effectiveness, or B. Contributing to a fund established by the Agency for implementing off-site erosion and runoff control projects. The amount of such contributions is established by Agency ordinance.
<u>Consistent</u>	All development alternatives would include temporary BMPs and permanent BMPs designed in accordance with the applicable codes, laws and ordinances of TRPA and Douglas County to avoid and/or minimize potential water quality impacts associated with on-site development. Alternatives 1, 3, and 4 include continued cooperation by the project applicant with Douglas County towards Douglas County’s implementation of EIP #679 Phase II, which would reduce runoff and erosion impacts to the project site as well as surrounding areas associated with runoff from Lake Village Drive. Alternatives 2 and 5 do not include this continued cooperation by the project applicant with Douglas County towards Douglas County’s implementation of EIP #679 Phase II.
Policy 2	All projects shall offset the transportation and air quality impacts of their development.
<u>Consistent</u>	The mitigation measures included in Section 4.14, Transportation and Circulation would offset the traffic impacts associated with development Alternatives 1 – 4. The mitigation measures included in Section 4.2, Air Quality, would offset the air quality impacts, including those impacts related to short-term construction emissions and human exposure to criteria air pollutants, associated with development Alternatives 1– 4. Alternative 5 would have no air quality related impacts.
Sources: TRPA 1986; Consistency analysis conducted by EDAW in 2007	

4.8.4 IMPACT ANALYSIS

ALTERNATIVE 1 – PROPOSED PROJECT

IMPACT 4.8.1-1 Consistency with Regional Plan Land Use Goals and Policies. *Alternative 1 would result in 50 single- and multi-family residential units (including 9 moderate-income, deed-restricted units included in the project by the applicant) certified by LEED as green, sustainable homes, four new LPFs consisting of three new public use pedestrian/bicycle pathways (LPFs 2, 4 and 5) and one new public use shared roadway (LPF 3), a 10.7 acre permanent open space land conveyance including 2.4 acres of SEZ (via a subdivision) to a public entity, on the parcel through the land conveyance, preservation of cultural resources SCT-1 and SCT-2 located on the parcel, cooperation with TRPA toward its implementation of EIP #161, and cooperation with Douglas County toward its implementation of EIP #679 Phase II. Following project approval, the project site would be subdivided in accordance with Chapter 43.4 of the TRPA Code of Ordinances into 50 single family homes and a common area, allowing for the development and sale of 50 individual residential units, which would then be considered single-family units. As described in Table 4.8-2, Alternative 1 would be consistent with the Goals and Polices of the Regional Plan with implementation of mitigation measures identified in resource sections of this EIS. This impact is considered **less than significant**.*

The project site is located in (and is the sole parcel within) Special Area #1 of PAS 073. The primary land use classification for PAS 073 is residential and allowable and permissible land uses for Special Area #1 include single- and multi-family dwellings, as well as some public service, recreation, and resource management

permissible uses (TRPA 2002). The maximum allowable density on the parcel is three units per acre, or 54 units total on the 18-acre project site.

Alternative 1 would result in 50 single- and multi-family residential units (including 9 moderate-income, deed-restricted units) certified by LEED as green, sustainable homes, four new LPFs (the new roadway through the project site and three public use pedestrian/bicycle pathways), a 10.7 acres permanent open space land conveyance (via a subdivision), which land conveyance includes 2.4 acres of SEZ on the parcel, to be publicly owned and protected in perpetuity from development, preservation of cultural resources SCT-1 and SCT-2 located on the parcel, cooperation with TRPA toward its implementation of EIP #161, and coordination with Douglas County toward its implementation of EIP #679 Phase II. These proposed land uses and development density are consistent with the provisions of Special Area #1 of PAS 073, subject to the approval of applicant's request that Special Area #1 of PAS 073 be made eligible for participation in TRPA's multi-residential incentive unit program (i.e., the right to receive bonus units for the proposed moderate-income, deed-restricted homes in Alternatives 1 and 4) (see discussion below).

After approval of the proposed development as a multi-family residential development, the project site would be subdivided in accordance with Chapter 43.4 of the TRPA Code of Ordinances. Subdivision would allow for the development and sale of individual residential units, which would then be considered single-family units. Because both single-family and multifamily residential land uses are allowed in PAS 073, subdivision and sale of the units would be permissible activities.

In addition, pursuant to Chapter 41.3.A of the TRPA Code of Ordinances, after completion of all residences for the project and the completion of construction of LPFs 2-5, the proposed project also includes the conveyance to a public entity via a subdivision of approximately 10.7 acres of the 18-acre project site for the permanent preservation of open space, a further subdivision of the parcel. (See Exhibit 2-5, in Chapter 2.0, Project Description.)

The proposed project includes a deed restriction, prepared in accordance with the TRPA Code of Ordinances, to be recorded against both the 10.7-acre land conveyance parcel and the remaining Sierra Colina project parcel (approximately 5.65 acres) to assign all coverage, density and development rights to the remaining Sierra Colina project parcel proposed for development, and to confirm that none of the rights of coverage, density, or development rights remain on the newly created 10.7-acre parcel to be conveyed.

As a result, all of the 10.7-acres of land included in the public land conveyance and associated with the LPFs and the open space easement will have no coverage, density or development rights assigned to them. All coverage required to create the LPFs would be transferred as provided by Chapter 20 of the TRPA Code of Ordinances. All allowable coverage and density calculations for the proposed project are based on the entire 18-acre parcel.

At the time of conveyance to a public entity, the 10.7-acre parcel would be encumbered by a number of easements recorded against it. Examples include: (i) easements for the construction and maintenance of approved LPFs; (ii) easements to provide construction and maintenance of needed BMP, water quality treatment facilities, and/or snow storage with respect to either the approved LPFs or the proposed Sierra Colina Village development area; (iii) easements to provide construction and maintenance of the BMP/water quality treatment needs of the existing, undeveloped 10.7-acre open space easement area; (v) existing public utility water, sewer and electric easements on the parcel; and (vi) other types of easements to be determined.

The proposed project would be consistent with Goals and Policies of the TRPA Regional Plan as shown in Table 4.8-2 (Land Use Consistency Table), with the 208 Plan and with all other applicable regulations and land use policies, including those of the State of Nevada and Douglas County with respect to the proposed two-step subdivision of the parcel into single family residences and the subsequent subdivision of the parcel by conveyance of approximately 10.7 acres of the parcel to a public entity for open space and protection of the SEZ.

Because the proposed project would be consistent with applicable land use plans and policies as well as the Goals and Policies of the Regional Plan, the proposed project would **not contribute** to any potential cumulative land use impacts.

Alternatives 1 and 4 include a proposal to amend PAS 073. The requested amendment would designate Special Area #1 (in which the project site is the sole parcel) of PAS 073 as eligible for TRPA's multi-residential incentive program. Originally, applicant had made a second amendment application with respect to PAS 073 to define PAS 073 as a TDR Receiving Area for existing residential units (ERUs) of use⁹. This PAS is currently designated as a TDR Receiving Area for multi-residential units (see Chapter 2, Project Description, for additional information about the proposed PAS amendment).

A direct result of the project site being a receiving area for existing development would be allowing the applicant to transfer existing residential units of use (ERUs) to the project site. Transferring ERUs would allow the project applicant to obtain the necessary land use allocations to construct Alternatives 1, 3, and 4 more quickly (3 year construction schedule duration vs. 10 if the property were not a receiving area for existing development). Subdivisions like the one proposed by applicant are expressly permitted in the TRPA Code of Ordinances through the two-step process and are consistent with the goals of the Regional Plan detailed in the 1995 TRPA Legal Division to retire sensitive parcels through development transfers Memo (Exhibit I). The applicant plans to transfer to the project parcel the necessary ERUs (which the applicant currently owns) from a restored SEZ parcel so that the bulk of the development transfers needed to construct each of the proposed alternatives come from the retirement of a sensitive parcel.

The moderate income housing component of the proposed project is addressed in this EIS in Chapter 4.10 Population and Housing. Approval of the proposed amendment to designate Special Area #1 (in which the project site is the sole parcel) of PAS 073 as eligible for TRPA's multi-residential incentive program would not result in changes to the primary land use classification or permissible land uses on the project site.

TRPA developed the multi-residential incentive unit program as an incentive to property owners to develop affordable housing in the Lake Tahoe Basin. The multi-residential incentive program designation is needed for a project to be eligible for these multi-residential incentive bonus units. The community needs reasonably priced homes for its local, middle income workforce of nurses, teachers, firefighters, deputy sheriffs, and others. At present, there are zero deed-restricted moderate income homes in Douglas County within the Lake Tahoe Basin.

PAS 073 (Lake Village) includes the adjacent 56-acre, 325 home (6 homes per acre) Lake Village condominiums subdivision. By its terms, PAS 073 makes all of the Lake Village subdivision eligible for the TRPA "Multi-Residential Incentive Program" (i.e., multi-residential incentive units). The 18-acre Sierra Colina parcel (Special Area #1), although zoned multifamily like Lake Village, is specified as not eligible to receive multi-residential incentive units (See Special Policies #3 in PAS 073).

The requested amendment to PAS 073 (Lake Village) (Special Area #1) (i) will result in no increase in allowable density on the parcel, which will remain 3 units per acre; (ii) will result in no increase in allowable coverage on the parcel; (iii) is consistent with the urban residential, commercial and public services development and zoning of most of the surrounding parcels, and with the existing Special Area #1 PAS 073 land use provisions; and (iv) will contribute to the need to add workforce housing units in Douglas County.

The land capability districts (including the delineation of the SEZ and applicable SEZ setbacks) on the project site were verified and approved by the TRPA Governing Board in May 1998 (TRPA 1998 [Appendix C]). According

⁹ TRPA later determined that the transfer of Existing Residential Units of Use (ERU) from other lands within the basin to the project site is allowed pursuant to Chapter 34 of TRPA Code, Transfer of Development. Transferring existing development rights from one parcel to another eliminates the requirement to obtain both a development right and an allocation since the development right and allocation are included as part of the ERU transfer.

to the 1998 TRPA Governing Board Verified Land Capability Map establishing the land capability districts (including the delineation of the SEZ and applicable SEZ setbacks) for the proposed project parcel, the site includes seven TRPA-verified land capability districts: 1a, 1b, 1c, and 2 (which all have a base allowable coverage of 1% [TRPA 2004]) and 4, 5, and 6 (which have a maximum allowable coverage of 20%, 25%, and 30%, respectively [TRPA Code of Ordinances 20.3.A]). According to TRPA Code of Ordinances Chapter 20.3.B, the maximum land coverage allowed on a parcel to be used for tourist accommodation facilities (TAUs), multi-residential facilities of five units or more, public service facilities, and recreation facilities for projects outside an approved community plan area is that which is permissible under Code Section 20.3.A, but in no event more than 30% of the project area.

Alternative 1 would result in approximately 85,307 square feet of coverage on the project site (not including the LPFs). This is approximately 2,264 square feet less than the 87,571 square feet of coverage available on the site. There is adequate allowable land coverage on the project site for construction of the residential development and common areas. Approximately 26,889 square feet of coverage would need to be transferred to the site for the proposed LPFs. This request for land transfer is permitted per TRPA Section 20.3 B (4) and 20.4 of TRPA Code of Ordinances. Table 2-3 of Chapter 2, Project Description, shows the coverage required for and land classes upon which Alternative 1 would be constructed, as well as the coverage that would need to be transferred to the site to complete the proposed LPFs.

As identified in Table 8.3-2, Alternative 1 would be consistent with the applicable Regional Plan and applicable Goals and Polices. Therefore, this impact is considered **less than significant**.

Mitigation Measures

No mitigation is required.

IMPACT 4.8.1-2 *Potential for Division of an Existing Community (or Land Use Compatibility). Alternative 1 would not divide an established community because the project's proposed residential land uses would be similar to existing land uses in the surrounding area and therefore Alternative 1 would not pose compatibility issues with nearby commercial, retail, and other businesses. Furthermore, Alternative 1 would include features that would serve to connect the project site with the surrounding community. For these reasons, this impact is considered less than significant.*

Alternative 1 would be located on a currently undeveloped site in the unincorporated community of Stateline, Nevada directly east of U.S. 50, and south of Lake Village Drive and the Lake Village residential subdivision (see Exhibit 2-2 in Chapter 2, Project Description), in an urban area (See TRPA Code of Ordinances, Chapter 2, Definitions (“urban area”)). The project includes land uses similar to existing land uses in the Lake Village residential subdivision, which includes 325 multi-family units. The Planning Statement contained in PAS 073 states that “this area should continue to be a medium density residential area, maintaining the existing character of the neighborhood.” The proposed project is compatible with the neighborhood and the other residential properties which also are located in PAS 073.

The project site is currently a privately-owned parcel which is fenced and not open for public use. Alternative 1 would result in the construction of four public use LPFs, including the new roadway through the project site and three public use pedestrian/bicycle pathways – each of which would be available for public use on and through the project site. This alternative also includes the creation of permanent open space through conveyance of 10.7 acres to a public entity for open space and public use purposes, which conveyance includes the protection of 2.4 acres of SEZ on the parcel.

Alternative 1 would be compatible with nearby residential land uses and would not pose compatibility issues with nearby commercial, retail, and other businesses. Therefore, Alternative 1 would not divide an established community. This impact is considered less than significant.

Mitigation Measures

No mitigation is required.

ALTERNATIVE 2 – GRAND PRIVATE ESTATE

IMPACT 4.8.2-1 **Consistency with Regional Plan Land Use Goals and Policies.** *Alternative 2 would result in a private single-family estate home and other associated structures including: a guest house, entertainment center, fitness center, caretaker home, maintenance equipment building and sports courts, and a perimeter rock fence with entry gate. Alternative 2 would be consistent with the Goals and Policies of the Regional Plan with implementation of mitigation measures identified in resource sections of this EIS. This impact is considered less than significant.*

Alternative 2 would be located on the same site as Alternative 1 and therefore the same land use policies would be applicable to Alternative 2.

Alternative 2 would result in the construction of a private single-family estate home and other associated structures including: a guest house, entertainment center, fitness center, caretaker home, maintenance equipment building and sports courts, and a perimeter rock fence with entry gate (see Exhibit 3-1 in Chapter 3, Alternatives). This proposed land uses and development density is consistent with the provisions of Special Area #1 of PAS 073.

Alternative 2 would result in approximately 97,285 square feet of coverage on the project site. This is approximately 600 square feet less than the 97,885 square feet of coverage available on the site (assuming a 60-foot Lake Village Drive right-of-way and using Code Section 20.3.D (2)(a)(ii) to calculate coverage (i.e., 1/20/25/30%)). This excess coverage would be banked by the project applicant. Table 4.5-5 in Section 4.5, Geology, Soils, and Land Capability and Coverage shows the coverage required for and land classes upon which the Alternative 2 would be constructed. There are no new LPFs proposed under Alternative 2. Therefore, this impact is considered less than significant.

Mitigation Measures

No mitigation is required.

IMPACT 4.8.2-2 **Potential for Division of an Existing Community (or Land Use Compatibility).** *Alternative 2 would not divide an established community because authorized public access conditions to the site would remain the same as under existing conditions. Therefore, there would be no impact.*

The project site is currently an undeveloped, fenced privately-owned parcel which is located in an urban area (See Chapter 2, TRPA Code of Ordinances). This condition of ownership would remain the same under Alternative 2. Construction of a private single-family estate home and other associated structures included on the site would be compatible with nearby residential land uses and would not pose compatibility issues with nearby commercial, retail and other businesses. Alternative 2 does not include the construction of any public access trails, any open space land conveyance for public use or any deed -restriction to protect the 2.4 acres of SEZ on the parcel. However, there is currently no authorized public access or use of the project site so there would be no change to this condition.

Therefore, in regard to the potential for dividing a community or land use compatibility, there would be no impact.

Mitigation Measures

No mitigation is required.

ALTERNATIVE 3 – REDUCED DENSITY ALTERNATIVE

IMPACT 4.8.3-1 **Consistency with Regional Plan Land Use Goals and Policies.** *This impact would be essentially the same as Impact 4.5.1-1 for Alternative 1. Alternative 3 would result in 37 single- and multi-family residential units, four new LPFs consisting of three new public use pedestrian/bicycle pathways (LPFs 2, 4 and 5) and one new public use shared roadway (LPF 3), a voluntary 12.5 acre permanent open space land conveyance (via a subdivision) to a public entity, preservation of cultural resources SCT-1 and SCT-2 located on the parcel, the perpetual protection of 2.4 acres of SEZ on the parcel through the land conveyance, cooperation with TRPA toward its implementation of EIP #161 and cooperation with Douglas County toward its implementation of EIP #679 Phase II. Following project approval, the project site would be subdivided in accordance with Chapter 43.4 of the TRPA Code of Ordinances into 37 single family homes and a common area, allowing for the development and sale of 37 individual residential units, which would then be considered single-family units. As described in Table 4.8-2, Alternative 3 would be consistent with the Goals and Policies of the Regional Plan with implementation of mitigation measures identified in resource sections of this EIS. This impact is considered **less than significant**.*

This impact would be essentially the same as Impact 4.5.1-1 for Alternative 1. See full discussion above.

In regard to this impact, Alternative 3 would differ from Alternative 1 in the following respects:

- ▶ Alternative 3 would result in fewer residential homes on the project site (37 homes under Alternative 3 vs. 50 homes under Alternative 1).
- ▶ Alternative 3 would result in fewer residential footprints on the project site (22 footprints under Alternative 3 vs. 29 footprints 50 under Alternative 1).
- ▶ There would be no moderate-income deed-restricted units constructed.
- ▶ The open space land conveyance area would be larger (12.5 acres under Alternative 3 vs. 10.7 under Alternative 1).
- ▶ The distribution of land coverage would be slightly different (see below).

Alternative 3 would result in approximately 73,254 square feet of coverage on the project site (not including the LPFs). This is approximately 15,347 square feet less than the 88,601 square feet of coverage available on the site. Therefore, there is adequate allowable land coverage on the project site for construction of the residential development and common areas. Excess coverage would be banked by the project applicant. Table 4.5-6 shows the coverage required for and land classes upon which Alternative 3 would be constructed.

The LPFs under Alternative 3 (including the existing Lake Village Drive) would result in a combined total of approximately 74,439 square feet of coverage. (This calculation includes the 60-foot Lake Village Drive right-of-way easement.) Of this 74,439 square feet, approximately 24,679 square feet would comprise the new LPFs (LPFs 2 - 5) proposed for Alternative 3, all of which would be new coverage.

The land coverage and land capability calculations for the LPFs proposed under Alternative 3 would be similar to those proposed under Alternative 1. The main difference in LPF coverage needs between Alternatives 1 and 3 is that less coverage would need to be transferred to the project site under Alternative 3, as the shared access driveway under Alternative 3 occupies approximately 6,978 fewer square feet, than the shared access driveway under Alternative 1, but covers similar LCDs.

After approval of the proposed development as a multi-family residential development, the project site would be subdivided in accordance with Chapter 43.4 of the TRPA Code of Ordinances. Subdivision would allow for the development and sale of individual residential units, which would then be considered single-family units. Because both single-family and multifamily residential land uses are allowed in PAS 073, subdivision and sale of the units would be permissible land uses.

In addition, pursuant to Chapter 41.3.A of the TRPA Code of Ordinances, after completion of all residences for the project and the completion of construction of LPFs 2-5, the proposed project also includes the voluntary conveyance by the applicant to a public entity via a subdivision of approximately 12.5 acres of the 18-acre project site for the permanent preservation of open space, a further subdivision of the parcel. (See Exhibit 3-3, in Chapter 3, “Alternatives”.)

Therefore, this impact is considered **less than significant**.

Mitigation Measures

No mitigation is required.

IMPACT 4.8.3-2 Potential for Division of an Existing Community (or Land Use Compatibility). *This impact would be essentially the same as Impact 4.8.1-2 for Alternative 1. Alternative 3 would not divide an established community because the project's proposed residential land uses would be similar to existing land uses in the surrounding area and therefore Alternative 3 would not pose compatibility issues with nearby commercial, retail, and other businesses. Furthermore, Alternative 3 would include features that would serve to connect the project site with the surrounding community. For these reasons, this impact is considered less than significant.*

This impact would be essentially the same as Impact 4.8.1-2 for Alternative 1. See full discussion above.

Alternative 3 would be located on a currently undeveloped site in the unincorporated community of Stateline, Nevada directly east of U.S. 50, and south of Lake Village Drive and the Lake Village residential subdivision (see Exhibit 2-2 in Chapter 2, Project Description), in an urban area (See TRPA Code of Ordinances, Chapter 2, Definitions (“urban area”)). The project includes land uses similar to existing land uses in the Lake Village residential subdivision, which includes 325 multi-family units. The Planning Statement contained in PAS 073 states that “this area should continue to be a medium density residential area, maintaining the existing character of the neighborhood.” The proposed project is compatible with the neighborhood and the other residential properties which also are located in PAS 073.

Alternative 3 also includes the construction of four public use LPFs, including the new roadway through the project site and three public use pedestrian/bicycle pathways – each of which would be available for public use on and through the project site. This alternative also includes the creation of a permanent open space land conveyance of 12.5 acres to a public entity for open space and public use purposes, which conveyance includes the protection of 2.4 acres of SEZ on the parcel.

Alternative 3 is located in an urban area (See Chapter 2 of TRPA Code of Ordinances) and would be compatible with nearby residential land uses which also are located in PAS 073 and would not pose compatibility issues with nearby commercial, retail and other businesses. Therefore, Alternative 3 would not divide an established community. This impact is considered **less than significant**.

Mitigation Measures

No mitigation is required.

ALTERNATIVE 4 – INCREASED DENSITY ALTERNATIVE

IMPACT 4.8.4-1 Consistency with Regional Plan Land Use Goals and Policies. *This impact would be essentially the same as Impact 4.5.1-1 for Alternative 1. Alternative 4 would result in 54 single- and multi-family residential units and 12 moderate-income deed restricted homes certified by LEED as green, sustainable homes, four new LPFs consisting of three new public use pedestrian/bicycle pathways (LPFs 2, 4 and 5) and one new public use shared roadway (LPF 3), a 10.7 acre permanent open space land conveyance (via a subdivision) to a public entity, preservation of cultural resources SCT-1 and SCT-2 located on the parcel, the perpetual protection of 2.4 acres of SEZ on the parcel through the land conveyance, cooperation with TRPA toward its implementation of EIP #161 and cooperation with Douglas County toward its implementation of EIP #679 Phase II. Following project approval, the project site would be subdivided in accordance with Chapter 43.4 of the TRPA Code of Ordinances into 54 single family homes and a common area, allowing for the development and sale of 54 individual residential units, which would then be considered single-family units. As described in Table 4.8-2, Alternative 3 would be consistent with the Goals and Polices of the Regional Plan with implementation of mitigation measures identified in resource sections of this EIS. This impact is considered **less than significant**.*

This impact would be essentially the same as Impact 4.8.1-1 for Alternative 1. See full discussion above.

In regard to this impact, Alternative 4 would differ from Alternative 1 in the following respects:

- ▶ Alternative 4 would result in a greater number of residential home on the project site (54 homes under Alternative 4 vs. 50 homes under Alternative 1)
- ▶ Alternative 4 would result in fewer residential footprints on the project site (20 footprints under Alternative 4 vs. 29 footprints under Alternative 1)
- ▶ Includes 12 moderate-income deed-restricted homes (vs. 9 moderate-income homes under Alternative 1).
- ▶ There would be a lodge-style building constructed that would contain 20 homes, including all of the 12 moderate-income deed-restricted homes.
- ▶ The distribution of land coverage would be slightly different (see below)

Alternative 4 would result in approximately 81,561 square feet of coverage on the project site (not including the LPFs). This is approximately 7,192 square feet less than the 88,753 square feet of coverage available on the site. Therefore, there is adequate allowable land coverage on the project site for construction of the residential development and common areas. Excess coverage would be banked by the project applicant. Table 4.5-7 shows the coverage required for and land classes upon which Alternative 4 would be constructed.

The LPFs under Alternative 4 (including the existing Lake Village Drive) would result in a combined total of approximately 73,679 square feet of coverage. (This calculation includes the approved 60-foot Lake Village Drive right-of-way easement.) Of this 73,679 square feet, approximately 23,919 square feet would comprise the new LPFs (LPFs 2-5) proposed for Alternative 4, all of which would be new coverage.

The land coverage and land capability calculations for the LPFs proposed under Alternative 4 would be similar to those proposed under Alternative 1. The main difference in LPF coverage needs between Alternatives 1 and 4 is that less coverage would need to be transferred to the project site under Alternative 4, as the shared access driveway under Alternative 4 occupies approximately 7,738 fewer square feet, than the shared access driveway under Alternative 1, but covers similar LCDs.

After approval of the proposed development as a multi-family residential development, the project site would be subdivided in accordance with Chapter 43.4 of the TRPA Code of Ordinances. Subdivision would allow for the development and sale of individual residential units, which would then be considered single-family units. Because both single-family and multifamily residential land uses are allowed in PAS 073, subdivision and sale of the units would be permissible land uses.

In addition, pursuant to Chapter 41.3.A of the TRPA Code of Ordinances, after completion of all residences for the project and the completion of construction of LPFs 2-5, the proposed project also includes the voluntary conveyance by the applicant to a public entity via a subdivision of approximately 10.7 acres of the 18-acre project site for the permanent preservation of open space, a further subdivision of the parcel. (See Exhibit 3-5, in Chapter 3.0, Alternatives.)

As identified in Table 4.8-2, Alternative 4 would be consistent with the applicable Regional Plan and applicable Goals and Policies. Therefore, this impact is considered **less than significant**.

Mitigation Measures

No mitigation is required.

IMPACT 4.8.4-2 **Potential for Division of an Existing Community (or Land Use Compatibility).** *This impact would be essentially the same as Impact 4.8.1-2 for Alternative 1. Alternative 4 would not divide an established community because the project's proposed residential land uses would be similar to existing land uses in the surrounding area and therefore Alternative 4 would not pose compatibility issues with nearby commercial, retail, and other businesses. Furthermore, Alternative 4 would include features that would serve to connect the project site with the surrounding community. For these reasons, this impact is considered less than significant.*

This impact would be essentially the same as Impact 4.8.1-2 for Alternative 1. See full discussion above.

Alternative 4 would be located on a currently undeveloped site in the unincorporated community of Stateline, Nevada directly east of U.S. 50, and south of Lake Village Drive and the Lake Village residential subdivision (see Exhibit 2-2 in Chapter 2, Project Description), in an urban area (See TRPA Code of Ordinances, Chapter 2, Definitions (“urban area”). The project includes land uses similar to existing land uses in the Lake Village residential subdivision, which includes 325 multi-family units. The Planning Statement contained in PAS 073 states that “this area should continue to be a medium density residential area, maintaining the existing character of the neighborhood.” The proposed project is compatible with the neighborhood and the other residential properties which also are located in PAS 073.

Alternative 4 also includes the construction of four public use LPFs, including the new roadway through the project site and three public use pedestrian/bicycle pathways – each of which would be available for public use on and through the project site. This alternative also includes the creation of a permanent open space land conveyance of 10.7 acres to a public entity for open space and public use purposes, which conveyance includes the protection of 2.4 acres of SEZ on the parcel.

Alternative 1 would be compatible with nearby residential land uses which also are located in PAS 073 and would not pose compatibility issues with nearby commercial, retail and other businesses. Therefore, Alternative 4 would not divide an established community. This impact is considered **less than significant**.

Mitigation Measures

No mitigation is required.

ALTERNATIVE 5 – NO PROJECT ALTERNATIVE

Under Alternative 5, there would be no changes to existing land uses on the project site. Existing land uses are consistent with the TRPA Regional Plan and are compatible with surrounding residential, commercial, and tourist-oriented uses. Alternative 5 would be consistent with local and regional plans and would not divide an established community. Therefore, there would be **no impact**.