

5 TRPA-MANDATED SECTIONS

5.1 SIGNIFICANT ENVIRONMENTAL EFFECTS THAT CANNOT BE AVOIDED

Section 5.8.B (2) of the TRPA Code of Ordinances requires an environmental impact statement (EIS) to include “any significant adverse environmental effects which cannot be avoided should the project be implemented.” Chapter 4 of this EIS assesses the project-specific and cumulative environmental effects of the five Sierra Colina Village project alternatives, and concludes that the all project impacts are less than significant or that implementation of mitigation measures recommended in this EIS would reduce significant impacts to less-than-significant levels.

5.2 EFFECTS FOUND NOT TO BE SIGNIFICANT

The EIS analysis determines that the proposed project and alternatives would result in less-than-significant impacts on human health/risk of upset; land use; population and housing; and recreation. The analysis also determines that, with the implementation of the identified mitigation measures, the proposed project and project alternatives would have less-than-significant impacts on: air quality; archaeological and historical resources, biological resources; geology, soils, and land capability and coverage; hydrology and water quality; noise; public services and utilities; scenic resources; and transportation and circulation.

5.3 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

The irreversible and irretrievable commitment of resources is the permanent loss of resources for future or alternative purposes. Irreversible and irretrievable resources are those that cannot be recovered or recycled or those that are consumed or reduced to unrecoverable forms. The Sierra Colina Village Project, with the exception of the No Project Alternative (Alternative 5), would result in the irreversible and irretrievable commitment of energy and material resources during construction and operation.

For each development alternative, energy would be expended in the form of gasoline, diesel fuel, oil for equipment and transportation vehicles, and human labor. Construction activities would generate non-recyclable materials, such as solid waste and construction debris. Electricity would be expended for the construction and operation of the residential units. The use of these nonrenewable resources is expected to account for a small portion of the resources available for use in the Lake Tahoe Basin and their area of origin (generally, northern California and Nevada) and would not affect the availability of these resources for other needs within the Basin.

Building materials for the Sierra Colina Village Project would consist of materials associated with the construction of residential homes including: rock, wood, concrete, glass, steel, plastic and other materials that would, to the extent feasible, be obtained from local sources.

While Alternatives 1, 2, 3 and 4 will clearly consume resources both during construction and from long-term operation, it is noteworthy that the Sierra Colina Village Project^a is striving to create the first multi-family residential project in the Basin to obtain LEED Platinum Certification, the highest LEED certification level. The LEED Green Building Rating SystemTM for Homes is a green building certification program that recognizes and rewards the nation’s top green home builders in terms of environmentally sound construction and community development. LEED provides a framework for assessing building performance and meeting sustainability goals.

^a Alternatives 1, 3 and 4 are all striving to obtain LEED Platinum Certification.

As discussed in Chapter 2, Project Description, the Sierra Colina Village Project was accepted into the LEED® (Leadership in Energy and Environmental Design) for Homes Pilot Program in 2006. In November 2007, the LEED for Homes Rating System was launched by USGBC. LEED for Homes can now be applied to single and multi-family homes and is intended for both market-rate and affordable housing.

Participation by the Sierra Colina Village Project in the LEED for Homes Program could be expected to result in reduced consumption of irretrievable resources.

The commitment of energy, water and natural resources associated with conventional construction would be materially reduced for homes constructed under Alternatives 1, 3 and 4. These alternatives would use environmentally preferable materials that would be acquired from local sources (within 500 miles) when feasible. This reduced commitment of resources would reduce the ecological footprint of these homes.

The overall effect of seeking LEED certification reduces consequences with respect to the consumption of natural resources and public utility services both during construction as well as throughout the lifetime of the homes. While Alternatives 1, 3 and 4 will result in irretrievable and irreversible loss of resources, the losses will be significantly less than would ordinarily be occurred with a multi-family residential housing project of this nature. The Sierra Colina Village Project is also an Energy Star Partner and has committed to obtaining Energy Star certification for all of its residential units. Energy Star qualified homes are independently verified to 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.

There are currently no TRPA or other regulations applicable to the project site, the proposed project or any of the proposed alternatives requiring the inclusion of green sustainable homes.

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

TRPA requires a discussion of the relationship between local short-term uses of our environment and the maintenance and enhancement of long-term productivity (Chapter 5, Environmental Documentation of TRPA's Code of Ordinances). Subsequently, the following discussion addresses how the Sierra Colina Village project would affect the short-term and the long-term productivity of our environment.

All project alternatives would be located on an undeveloped site that consists primarily of two vegetation types, Jeffrey pine forest and montane riparian-aspen forest. Implementation of Alternatives 1, 3, or 4 would result in the construction of single- and multi-family residential units on an approximately 5.65-acre portion of the 18-acre project site, with the balance of the property dedicated as permanent open space, including four new linear public facilities (LPFs) for recreation, pedestrian/bicycle, and transit use. Alternatives 1, 3, and 4 would include the construction of public recreational facilities consisting of pedestrian and bicycle paths (LPFs 2, 4, and 5) and a shared public access roadway (LPF 3). Alternatives 1, 3, and 4 include the creation of a permanent open space easement on a portion of the project site (10.7, 12.5 acres, and 10.7 acres, respectively) and a land conveyance of this portion of the project site to a public entity. The land conveyance area would include all of the 2.4 acres of SEZ on the parcel, including the portions of Burke Creek which flow across it. The land encompassed by the open space easement would remain as undeveloped open space for the public use, in perpetuity. This land conveyance would remove sensitive land, including SEZ, from private ownership and transfer it to public ownership and permanent protection from development. Alternative 2 would result in the construction of a single-family grand estate, including: a guest house, entertainment center, fitness center, caretaker home, maintenance equipment

building and sports courts, and a 10-foot tall rock fence. The site would remain as a privately-owned parcel and would not include any public access, LPFs or open space land conveyance to a public entity.

The construction of the structures and facilities proposed under Alternatives 1 – 4 would decrease the amount of undeveloped land in the Tahoe Basin and associated wildlife habitat. This would be a commitment of land to human uses that could incrementally contribute to a general decline in productivity of the natural functioning ecology of the Basin ecosystem. In the context of the environment of the project area, however (urban environment, largely surrounded by development, and accessible by a major highway), this is considered less than significant (see Section 4.15, Cumulative Impacts).

The principal uses of the environment would be consistent with project design, providing homes and recreational facilities for Basin residents. In this manner, both the short- and long-term uses of Alternatives 1, 3, and 4 would enhance the housing and recreational opportunities in the Basin. Alternative 2 would provide housing and recreational opportunities as well, but to fewer Basin residents.

The natural environment would be altered for the short- and long-term with project implementation. The project design includes features and recommended mitigation measures to prevent deterioration of the natural environment in the project area^b. Alternatives 1, 3, and 4 also include dedication of several acres of permanent open space on the project site.

The project applicant has been cooperating with public and private stakeholders in Douglas County's efforts to study the existing stormwater runoff conditions associated with Lake Village Drive/Echo Drive and with Douglas County's efforts to develop a conceptual regional solution to these conditions. In early 2007, the USFS – Lake Tahoe Basin Management Unit (LTBMU) awarded funding to Douglas County for the planning and design of Environmental Improvement Program (EIP) Project #679 Phase II (EIP #679 Phase II)^c. Under Alternatives 1, 3, and 4, the project applicant would continue these cooperative efforts with Douglas County through the potential grant of construction and maintenance easements on the project site which may be necessary to Douglas County for the Lake Village Drive EIP #679 Phase II project.

In addition, EIP #161, for which TRPA is the lead public agency, which focuses on the restoration of approximately two miles of Burke Creek near the U.S. 50 Burke Creek Culvert includes the portion of Burke Creek that runs through the project site. This EIP #161 restoration would be designed to enhance the productivity of Burke Creek, a small portion of which occurs on the project site^d. Under Alternatives 1, 3, and 4, the project applicant would cooperate with TRPA for the implementation of restoration efforts under EIP #161 on the portion of Burke Creek that occurs on the project site. Improvement of this environmental resource would likely take place outside of the Sierra Colina parcel regardless of whether or not the Sierra Colina Village Project moves forward. These restoration efforts would enhance the productivity of Burke Creek and its associated SEZ.

5.5 GROWTH-INDUCING IMPACTS

Section 5.8.B (8) of TRPA's Code of Ordinances requires an EIS to include a discussion of the "growth-inducing impact of the proposed project." Examples of growth-inducing actions include developing water, wastewater, fire or other types of service areas in previously unserved areas, extending transportation routes into previously undeveloped areas, and establishing major new employment opportunities.

^b See the Executive Summary, Chapter 2.0, Project Description, and individual impacts sections for details about project features and mitigation measures.

^c TRPA's EIP projects are designed to achieve and maintain environmental thresholds that protect Tahoe's unique and valued resources. (See Chapter 2, Project Description, for more information about EIP #679 – Phase II, and EIP #161.).

^d Nine hundred lineal feet of the total 21,800 lineal feet (4 percent) of Burke Creek occurs on the project site.

PASs are one set of guiding documents included in the Regional Plan through which TRPA implements its authority to regulate growth and development in the Lake Tahoe region. Land uses and development intensities are set forth in PASs throughout the Basin.

The project site is located in Plan Area Statement (PAS) 073 – Lake Village. The primary land use classification for the project site, per PAS 073, 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. Therefore, development of the project site for residential housing and associated growth at the level of intensity proposed in Alternatives 1, 3 and 4 is already planned.

On October 28 1992, the TRPA Governing Board unanimously approved transfer of the undeveloped 18-acre Sierra Colina parcel from PAS 060 (Genoa Peak) to PAS 073 (Lake Village) where it became Special Area #1^c. As a result, the parcel became an “urban area” as defined by the TRPA Code of Ordinances (TRPA 2004 [Chapter 2]). The amendment to PAS 073 creating Special Area #1 allowed for single- and multi-family residential uses to be located on the Sierra Colina parcel as allowable and permissible uses, allowing a maximum density of 3 residential units per acre in Special Area #1.

All development alternatives proposed for the Sierra Colina Village Project would directly induce population growth in the immediate vicinity of the project site by constructing new residential units in the Stateline area. As described in Section 4.10, Population and Housing, this increase in population would likely be, at a maximum under Alternative 4, approximately 119 persons. However, it is likely that some of the future residential unit occupants would include people that already reside within the Tahoe Basin and people that relocate from nearby areas outside of the Basin because they are employed in the Basin. In addition, the applicant is proposing to transfer existing development rights or existing residential units of use (ERUs) to the site necessary for the project per the requirements of Chapter 34, Transfer of Development, of the Code of Ordinances, subject to TRPA’s approval. Any ERUs transferred to the site from within the Stateline area would not contribute to an increase in the Stateline area population because no new residential units of use would be created or approved for each of the ERUs transferred to the site. Therefore, the maximum population increase generated by the project would likely be less than 119 new persons to the Basin region. This increase in population is not substantial. All development alternatives proposed for the Sierra Colina Village Project would expand existing public utility service and other public services to the site. Potential impacts to these public utilities and services are discussed in Section 4.11, Public Services and Utilities. None of the alternatives proposed for the site include the installation of utilities sized to accommodate growth beyond that which would occur on the project site. No new transportation routes into previously undeveloped areas are proposed for implementation under any of the development alternatives (or as mitigation measures in this document), other than the access road through the proposed residential developments themselves.

None of the development alternatives include any commercial or retail elements and therefore implementation of any of the alternatives would not create any direct long-term employment opportunities. Site preparation and construction on the property would require the employment of a construction company and other associated workers. This would provide a short-term direct employment opportunity for contractors in the area. Because the project would not affect the long-term employment opportunities in the basin the project is not considered to have a growth inducing economic impact.

^c Prior to this action, the property was part of PAS 060 (Genoa Peak), a conservation land use area. 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 TDR transfer) as a special use.