

# Chapter 6

## ***FINDINGS REQUIRED***

---

### Chapter Contents

- 6.0 Purpose
- 6.1 Applicability
- 6.2 Procedure For Findings
- 6.3 Threshold-Related Findings
- 6.4 Findings Necessary To Amend The Regional Plan, Including The Goals And Policies And Plan Area Statements And Maps
- 6.5 Findings Necessary To Amend Or Adopt TRPA Ordinances, Rules Or Other TRPA Plans And Programs

- 6.0 Purpose: The Tahoe Regional Planning Compact requires TRPA to make findings before taking certain actions. In addition, the Regional Plan package, including the Code and plan area statements, sets forth other findings which must be made. This chapter sets forth procedures describing how TRPA shall make the findings required.
- 6.1 Applicability: Prior to approving any project or taking any other action specified herein, TRPA shall make the findings required by the provisions of the Regional Plan package, including the Goals and Policies, the Code, and specifically, this chapter and any other requirement of law. All such findings shall be made in accordance with this chapter.
- 6.2 Procedure For Findings: Findings shall be made as follows:
  - 6.2.A Written Findings: All required findings shall be in writing and shall be supported by substantial evidence in the record of review. The findings required by Section 6.3 shall be in writing prior to the approval of the proposed matter.
  - 6.2.B Statement: Required findings shall be accompanied by a brief statement of the facts and rationales upon which they are based.
- 6.3 Threshold-Related Findings: The following specific findings shall be made, pursuant to Articles V(c), V(g) and VI(b) of the Compact in addition to any other findings required by law.
  - 6.3.A Findings Necessary To Approve Any Project: To approve any project, TRPA must find, in accordance with Sections 6.1 and 6.2, that:

- (1) The project is consistent with, and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, plan area statements and maps, the Code and other TRPA plans and programs.
- (2) The project will not cause the environmental threshold carrying capacities thresholds to be exceeded; and
- (3) Wherever federal, state or local air and water quality standards applicable for the region, whichever are strictest, must be attained and maintained pursuant to Article V(d) of the Tahoe Regional Planning Compact, the project meets or exceeds such standards.

6.3.B Making Specific Findings: As part of the findings required by Subparagraphs 6.3.A(1), (2) and (3), TRPA shall:

- (1) Identify the nature, extent and timing or rate of effects of the project, using applicable measurement standards consistent with the available information, on all applicable:
  - (a) Compliance measures (Section 32.5);
  - (b) Indicators (Section 32.3);
  - (c) Additional factors (Subsection 32.3.E); and
  - (d) Supplemental compliance measures (Subsection 32.2.H).
- (2) Quantify any contribution of the project to any of the cumulative accounts for the items listed in Subsection 32.7.B and record that contribution in the current cumulative account:
- (3) Confirm that any resource capacity utilized by the project is within the amount of the remaining capacity available, as that remaining capacity has been identified in any environmental documentation applicable to the project, including the environmental impact statement for the Regional Plan package.
- (4) Confirm that the project will not prevent attainment of any adopted target date (Subsection 32.4.A) or interim target (Subsection 32.4.B).
- (5) For project-specific mitigation measures, relied upon to confirm the matters in Subparagraphs 6.3.A(2) and (3), TRPA shall identify an adequate means including setting a baseline status by which the mitigation measure's effectiveness will be evaluated.

- (6) Other than recreation projects in the EIP, for a project, for which an environmental assessment or an environmental impact statement is prepared, and which will use additional water supply, additional sewage capacity, or will create additional vehicle miles of travel greater than forecast in the environmental assessment for the 1996 Evaluation Report, TRPA shall confirm that sufficient capacity remains in each of the fore going capacities which are utilized by the project to permit development of recreation projects which are contained in the EIP.

- 6.4 Findings Necessary To Amend The Regional Plan, Including The Goals And Policies And Plan Area Statements And Maps: To approve any amendment to the Regional Plan, TRPA must find, in addition to the findings required pursuant to Subparagraphs 6.3.A(2) and 6.3.A(3) and Subsection 6.3.B, and in accordance with Sections 6.1 and 6.2, that the Regional Plan, as amended, achieves and maintains the thresholds.
- 6.5 Findings Necessary To Amend Or Adopt TRPA Ordinances, Rules Or Other TRPA Plans And Programs: To approve any amendment or adoption of the Code, Rules or other TRPA plans and programs which implement the Regional Plan, TRPA must find, in addition to the findings required pursuant to Section 6.3, and in accordance with Sections 6.1 and 6.2, that the Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.

