

Chapter 31

ENVIRONMENTAL IMPROVEMENT PROGRAM

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31.0 Purpose: Consistent with the Implementation Element of the Regional Plan Goals and Policies, the Environmental Improvement Program (EIP) is designed to attain, maintain, or surpass multiple environmental thresholds through an integrated approach. This chapter relates to projects, programs, and studies, identified by TRPA, that address the attainment, maintenance, or surpassing of the environmental thresholds. This chapter defines the program and addresses the role that development projects and land use activities play in the implementation of threshold-related improvements.

31.1 Applicability: This chapter applies to all projects and activities in the Region. All projects and activities that contribute or have the ability to contribute, to the attainment, maintenance, or surpassing of thresholds shall be subject to the Environmental Improvement Program (EIP).

31.2 Definition Of Environmental Improvement Program (EIP): The EIP is a process where identification and implementation of threshold improvements are made. Tools used in the process include the Code of Ordinances, capital improvement planning, programs, studies, a monitoring and tracking system, and a finance plan. The capital improvement component of the EIP identifies physical project needs related to the adopted thresholds. Other needs are identified as continuing programs, which typically require resources beyond a physical improvement project or require a long period of time to implement, and studies that are needed to improve knowledge regarding threshold attainment.

31.3 Development And Administration Of The EIP: TRPA will maintain a master list of threshold-related projects, programs, and studies from which priorities can be derived, and implementation plans prepared. TRPA will also develop a finance plan to implement and guide the EIP.

31.3.A Preparation Of The EIP List: TRPA, in consultation with all appropriate public and private implementation entities, shall prepare a priority list of all projects, studies, and programs which are anticipated or needed to be completed for progressive threshold attainment. At a minimum, TRPA shall update the list annually.

- (1) Eligibility For Inclusion On The EIP List: Projects, programs, and studies shall be placed on the list if TRPA determines that:

- (a) The project, program, or study is needed for the attainment or maintenance of environmental thresholds;
 - (b) The project, program, or study complies with the Goals and Policies, the applicable plan area statement, and the Code;
 - (c) The project, program, or study is consistent with the priorities and schedule of the EIP; and
 - (d) The project, program, or study meets the findings adopted pursuant to Article V(g) of the Compact as set forth in Chapter 6 in regards to consistency with threshold attainment.
- (2) Five-Year Priority List: TRPA shall establish and maintain a five-year priority list of projects, studies and programs. This list shall be based on evaluations of progress toward threshold attainment, funding availability, and feasibility of implementation.
 - (3) Amendment Of The EIP or Priority Lists: After adoption of the initial lists by TRPA's Governing Board, the lists of projects, programs, and studies may be amended by TRPA's Executive Director provided that:
 - (a) The findings in Subparagraph 31.3.A(1) are met for additions and for substitutes; and
 - (b) The project, program, or study is of equal or superior value to the one it is replacing.

31.3.B Finance Plan: TRPA shall prepare a finance plan for the EIP that addresses all threshold. It shall include short-term financing of the five-year priority list and long-term financing for threshold attainment. It shall be used to guide the implementation of the EIP and be updated annually.

31.4 EIP Relationship To Other Plan Provisions: The projects, studies, and programs listed in the EIP shall be consistent with applicable provisions of the Regional Plan.

31.4.A Mitigation Fees: Priority for the release of mitigation fees collected under the requirements of Chapters 56, 82, 93, or 95, shall be given to EIP projects or related improvement needs. The EIP list may also be used for securing the release of mitigation fees as provided in Section 31.5.

31.4.B Residential Allocations: Pursuant to Subparagraph 33.2.B(5), the number of residential allocations assigned to local government for distribution shall be contingent upon the development and implementation of an annual five-year water quality capital improvement project (CIP) list that is consistent with the EIP. The CIP list shall be submitted to TRPA annually for review and approval.

- 31.4.C Commercial Special Project Allocations: Pursuant to Subparagraph 33.3.D(3), a project must be identified in the EIP to qualify as a special project eligible for a commercial floor area allocation.
- 31.4.D Relationship To State Transportation Department Responsibilities: In the case of the state transportation departments, the development of a five-year water quality improvement project list and performance shall be related to the implementation of their respective obligations under the Water Quality Management Plan for the Lake Tahoe Region (208 Plan).
- 31.4.E Relationship to 208 Plan Capital Improvement Program and the Regional Transportation Plan/Air Quality Plan: Projects, studies, and programs listed in the EIP shall be considered as part of the capital improvement programs for the 208 Plan and the Regional Transportation Plan/Air Quality Plan.
- 31.5 Linked Project Status: The Governing Board may, upon making the findings in 31.5.A(1) below, and after holding a public hearing, designate a project application within a special category: "Linked Project Status" or, "Linked Industrial Project Status." Designation allows the applicant and TRPA to engage in negotiations for approval of a development project that encompasses, or is linked to, a parcel beyond the proposed project area, and accomplishment of one or more EIP improvement projects. Linked Industrial Project Status may be granted to noncontiguous parcels for land coverage calculations pursuant to subparagraph 20.3.D(1)(v).[§]
- 31.5.A Designation Parameters: Upon designation of a project to this special category, the applicant and TRPA staff shall have a maximum of two years to obtain TRPA approval. Failure to meet this deadline shall void the designation of the project's "linked project status" unless an extension of time is approved by the Board.
- (1) Criteria: A development project may be designated as a candidate for linked project, or linked industrial project[§] status if:
- (a) The development project is linked to accomplishment of one or more EIP projects, but is not an EIP project itself; and
 - (b) Participation in creating environmental improvements goes beyond that otherwise required on site for the non-EIP project; and
 - (c) There is more than one stakeholder required to accomplish the EIP improvements; and
 - (d) Accomplishment of the EIP project(s) may require an agreement between TRPA and implementation partners; and
 - (e) A combination of public and private funds may be required to accomplish the affected EIP projects; and
 - (f) Status designation is justified as the best approach to EIP implementation.

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31.5.B Acceptance Of Pre-Development Agreement: In the event a pre-development agreement is needed, the Board shall approve it prior to submittal of a project application. Completion of this step does not guarantee Board adoption of any proposed ordinance amendments that may be identified.

31.5.C Findings for Linked Project Status Designation: TRPA shall make the following findings prior to acceptance of a pre-development agreement:

- (1) That the applicant has acknowledged in writing that there is no guarantee a non-EIP project will be approved as a result of linked project status, and has agreed to follow all TRPA rules and regulations if the application is approved by the TRPA Governing Board; and
- (2) That the project confers public benefit or use, and results in threshold improvement beyond that which would be required to mitigate the threshold impacts of the non-EIP project; and
- (3) That the applicant has submitted appropriate fees related to review and identified mitigation, consistent with current fee schedules for a completed project, and agrees to pay all added necessary fees for the negotiated project; and
- (4) That at a minimum, the project shall contribute to the construction of at least one EIP project larger than that required on the subject parcel; and
- (5) That the project will need a combination of private and public funding support, and demonstrates the necessity of a partnership approach in order to accomplish an EIP project with substantial threshold improvement.

31.5.D[§] Findings for Linked Industrial Project Status: The TRPA Governing Board may designate projects as "Linked Industrial Project Status" if it is found that:

- (1) The project qualifies for linked project status pursuant to 31.5.A; and
- (2) The noncontiguous parcel to be developed is in a Community Plan designated as a Preferred Industrial Area; and
- (3) The noncontiguous parcels are within the same hydrologic area; and
- (4) The parcel on which the EIP project occurs is classified as sensitive and will be restored pursuant to the conditions of the approved EIP project; and
- (5) The land coverage for the noncontiguous parcel within the community plan does not exceed the maximum coverage limits of 70 percent, pursuant to subsection 20.3.

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