

**TRPA  
APC  
PACKETS**

**JANUARY  
2001**

TAHOE REGIONAL PLANNING AGENCY  
ADVISORY PLANNING COMMISSION  
NOTICE OF MEETING

NOTICE IS HEREBY GIVEN that the Advisory Planning Commission of the Tahoe Regional Planning Agency will conduct its regular meeting at 9:30 a.m. on January 10, 2001, at the Horizon Casino Resort, Highway 50, Stateline, Nevada. The agenda for the meeting is attached hereto and made a part of this notice.

December 29, 2000

A handwritten signature in cursive script that reads "Juan Palma".

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Juan Palma  
Executive Director

This agenda has been posted at the TRPA office and at the following post offices: Zephyr Cove and Stateline, Nevada, and Tahoe Valley and Al Tahoe, California. The agenda has also been posted at the North Tahoe Conference Center in Kings Beach, the Incline Village GID office, and the North Lake Tahoe Chamber of Commerce.

TAHOE REGIONAL PLANNING AGENCY  
ADVISORY PLANNING COMMISSION

Horizon Casino Resort  
Highway 50  
Stateline, Nevada

January 10, 2001  
9:30 a.m.

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All items on this agenda are action items unless otherwise noted.

AGENDA

- I. CALL TO ORDER AND DETERMINATION OF QUORUM
- II. APPROVAL OF AGENDA
- III. PUBLIC INTEREST COMMENTS (No Action)

Any member of the public wishing to address the Advisory Planning Commission on any agenda item not listed as a Public Hearing or a Planning Matter item, or on any other issue, may do so at this time. However, public comment on Public Hearing and Planning Matter items will be taken at the time those agenda items are heard.

*NOTE: THE ADVISORY PLANNING COMMISSION IS PROHIBITED BY LAW FROM TAKING IMMEDIATE ACTION ON, OR DISCUSSING ISSUES RAISED BY THE PUBLIC THAT ARE NOT LISTED ON THIS AGENDA.*

- IV. DISPOSITION OF MINUTES
- V. PUBLIC HEARINGS
  - A. Discussion of Incline Village General Improvement District, Incline Park Draft Environmental Impact Study Pg. 1
  - B. Public Hearing and Workshop on Environmental Improvement Program (EIP) Documents Pg. 3
  - C. Amendment to Chapter 20.5 Regarding Excess Mitigation Fees. Pg. 5
  - D. Amend Chapter 14, Community Plans, to Add a Finding Allowing for the Amendment of a Community Plan Boundary When it is to Facilitate Affordable Housing Only Pg.15
  - E. Adoption of the Lake Tahoe Recreation Signage Guidelines and Amendment of Chapter 26, Signs Pg. 23

VI. PLANNING MATTERS

- A. Presentation on Tahoe Yellow Cress (TYC) Conservation Study Pg. 63
- B. Discussion of Transit Oriented Development Findings and Two-Step Subdivision Standards as They Pertain to Transit Oriented Development Pg. 65

VII. REPORTS

- A. Executive Director
  - 1. Report on Governing Board Actions Relative to APC Recommendations
- B. Legal Counsel
- C. APC Members

VIII. ADJOURNMENT

## TAHOE REGIONAL PLANNING AGENCY

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### MEMORANDUM

January 2, 2001

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Discussion of Incline Village General Improvement District, Incline Park Draft Environmental Impact Study.

Proposed Action: There is no action requested on this item at this time. Agency staff is requesting that the Advisory Planning Commission offer comments and solicit public comments on the Incline Park DEIS.

Background: The 60-day comment period for this document is November 15, 2000 through January 15, 2001.

The DEIS examines the environmental impacts of the construction of four separate uses within one project area in Incline Village. These uses include a public service office building, an indoor ice rink, an expansion to the existing recreation center including meeting rooms and offices, and the expansion of existing tennis courts. Each of the uses identified a preferred alternative and a reduced alternative, along with a no project alternative. An Executive Summary of the proposals and potential impacts is located at the beginning of the DEIS document.

Representatives from the Incline Village General Improvement District (IVGID), the Parasol Foundation and Resources Concepts, Inc. are expected to be present at the Advisory Planning Commission meeting to answer any questions.

If you should have any questions concerning this item, please contact Kathy Canfield at (775) 588-4547.



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### MEMORANDUM

January 2, 2001

To: TRPA Advisory Planning Commission

From: TRPA Staff

Subject: Public Hearing and Workshop on Environmental Improvement Program  
(EIP) Documents

A presentation and information workshop in regard to Volumes I-III of the EIP update will be held at the APC meeting on January 10, 2001. Staff will be seeking input from the APC as part of the public review of the documents. Staff will present an overview and answer any questions the APC may have. Revisions to the documents are likely once the review period is over at the end of January, and prior to staff moving the documents forward to the Governing Board for adoption. Staff will request a formal recommendation at the February APC Meeting. The three Volumes were mailed to the APC prior to this mailing.





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### MEMORANDUM

January 2, 2001

To: TRPA Advisory Planning Commission  
From: TRPA Staff  
Subject: Amendment to Chapter 20.5 Regarding Excess Coverage Mitigation Fees

Proposed Action: To modify the Mitigation Fee and Coverage Reduction formulas. To adjust the Square Foot Coverage Fees for specific Hydrologic Zones in California and Nevada so that they reflect current market values.

Staff Recommendation: Staff requests that the Advisory Planning Commission review and recommend approval for this code amendment as described in Attachment A to the Governing Board.

Background: The Excess Land Coverage Mitigation Program is described in Section 20.5 of the TRPA Code of Ordinances (see Attachment A). This program applies to projects where the amount of land coverage for the project area exceeds the base land coverage for that area. Land coverage in excess of the base land coverage must be mitigated by the transfer of land coverage or through the Excess Coverage Mitigation Program. See Attachment B for calculations and a graphical example.

Excess land coverage is defined as existing coverage beyond the total of the maximum allowable base coverage, the transferred coverage, and the coverage previously mitigated under this program. In the event that the land coverage reduction is required for approval of a project, there are a number of options or combination of options that an applicant may use to comply with the land coverage requirements. These options include: 1) reduction of coverage onsite; 2) reduction of coverage offsite in the hydrologic area; 3) payment of a land coverage mitigation fee to be forwarded to a land bank to retire land coverage in the hydrologic area; or 4) consolidation of parcels or adjustment of parcel boundary lines. There are a number of exemptions from the Land Coverage Mitigation Program listed in subsection 20.5.B of the Code.

Discussion: The focus of this discussion is the Excess Coverage Mitigation Fee, which is covered in TRPA Code subparagraph 20.5 A (3). The Excess Coverage Fee is calculated by determining the amount of excess coverage in square feet and using this coverage amount to determine the appropriate fee percentage from Table A, located in Chapter 20 of the TRPA Code. The fee percentage is then multiplied by the estimated construction cost of the project. The coverage reduction credit given to the parcel is calculated by dividing the mitigation fee by the standard TRPA coverage cost of \$5.00 per square foot. Monies generated from this fee are in a land bank to be used for land coverage reduction within Hydrologic Transfer Areas where the projects are located.

Due to the complicated nature of this issue an effort was made to include all the affected parties to discuss the direction of the excess coverage mitigation fee program in Nevada and Basin-wide. This process has included discussions with the California Tahoe Conservancy (CTC) and Nevada State Lands. These meetings resulted in recommendations that require they be brought forward to the APC and GB.

Current Program Status: From the beginning of this program there has been a single fee that has been in place basin wide. In the State of California, the California Tahoe Conservancy (CTC) established a land bank, which has been in place since 1990, and has been conducting a land coverage reduction program utilizing the excess coverage mitigation fees. Based on their experience over this time, the CTC has indicated that the per square foot cost for hard coverage has increased to \$6.50.

In the State of Nevada, a Memorandum of Understanding has been in place between TRPA and Nevada Division of State Lands to serve this activity since 1986. A new Memorandum of Understanding was negotiated and approved by TRPA and Nevada Division of State Lands, effective July 10, 2000, that formally recognizes and approves the Nevada Land Bank to receive the mitigation fees and conduct a program of coverage reduction. A large balance of excess coverage mitigation fees have accumulated from projects approved since the adoption of the 1987 Regional Plan, yet it should be noted that Nevada State Lands has permanently retired 500 parcels using 1986 Bond Act funds. However, at this time a large area of coverage retirement obligation has accumulated in Nevada (up to 450,000 square feet.) The amount of funds in the excess coverage mitigation account for Nevada is approximately \$2.5 million. This amount of coverage could be retired with the available funds, if the acquisition cost was equal to \$5.00 per square foot and coverage was available for retirement. However, since the program was initiated, the cost of coverage in Nevada has escalated substantially to the \$17 to \$23 per square foot range. Assuming the coverage is available, at this price it would require \$6.5 to \$9 million to retire this coverage obligation, \$4.3 to \$7 million more than is currently available in the fund.

Options: Several possible options and combinations of options that could address the land retirement obligation on the Nevada side of the Basin were discussed at the June 2000 APC meeting. The simplest measure being recommended here is to raise the excess coverage mitigation fee (by hydrologic zone) to the range of current market costs.

Currently, the excess coverage mitigation fund using the \$5 per square foot fee generates \$300,000 to \$400,000 per year in Nevada. At this rate, it would take more than 10 years to generate the funding to retire the required coverage. If the fee were increased by three or four times to current market rates, \$1.2 million to \$1.6 million could be raised per year, and a sufficient fund could be generated to cover the cost of the needed land coverage retirement. The problem then becomes finding this coverage on the open market from private property owners. At this point in time, there is a very limited amount of land coverage of any type available on the Nevada side of the Basin, particularly in the Incline Village and Cave Rock Hydrologic Transfer Areas, which makes the use of this option problematic.

Unless this option proves to be viable, the excess coverage mitigation program may no longer be able to function as intended on the Nevada side of the Basin, which is to mitigate for land coverage in excess of the base allowable coverage, and contribute toward meeting the land coverage threshold goals basin-wide.

Required Findings: The following findings must be made prior to adopting the proposed amendments:

A. Chapter 6 Findings:

1. Finding: 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.  
Rationale: Adoption of this new language and guidance will assist TRPA in implementing the Regional Plan, inclusive of all elements, specifically elements relating to meeting threshold objectives regarding the reduction of impervious coverage. The Code amendment will ensure the use of these amended Guidelines, which are consistent with this program's specific goals under the Regional Plan.
2. Finding: That the project will not cause the environmental thresholds to be exceeded.  
Rationale: All participants that engage in this program under these adopted Guidelines must make the finding that no threshold will be exceeded and meet all the requirements listed within the Code of Ordinances.
3. Finding: Wherever federal, state and 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 Compact, the project meets or exceeds such standards.  
Rationale: See Findings 1 and 2 above.
4. Finding: The Regional Plan and all of its elements, as implemented through the Code, Rules and other TRPA plans and programs, as amended, achieves and maintains the thresholds.  
Rationale: See Findings 1 and 2 above.

Environmental Documentation: Based on the above analysis and completion of an IEC, no significant environmental impacts were identified that cannot be mitigated to a less than significant level.

If you have any questions on this agenda item, please contact Tim Hagan, at (775) 588-4547, ext. 275.

- Attachments: A. TRPA Code of Ordinances Chapter 20, Section 20.5, Excess Land Coverage Mitigation Program  
B. Excess Land Coverage Calculations and Graphical Example

*New language is underlined in blue; language to be deleted is struck out in red.*

## Chapter 20

# LAND COVERAGE STANDARDS

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20.5 Excess Land Coverage Mitigation Program: This Section applies to projects where the amount of land coverage existing prior to the project in the project area exceeds the base land coverage for the project area prescribed by Subsection 20.3.A. Land coverage in excess of the base land coverage shall be mitigated by the transfer of land coverage pursuant to Subsection 20.3.C or the land coverage mitigation program set forth in this Section.

20.5.A Implementation Of Program: Except as otherwise provided by Subsection 20.5.B, all projects on parcels, or other applicable project areas, with unmitigated excess land coverage, shall be subject to the land coverage mitigation program set forth in this section. Projects subject to the program shall reduce land coverage by the amounts specified in Subparagraph 20.5.A(1) and (2).

(1) Excess Coverage Calculation: Excess land coverage equals the existing amount of land coverage, less the total of the following: the maximum allowable amount of base coverage; the amount of coverage approved by transfer; and the amount of coverage previously mitigated under this Section.

$$\text{Excess Coverage (\% sq. ft.)} = \text{Existing Coverage (\% sq. ft.)} - (\text{Maximum coverage (\% sq. ft.)} + \text{Transferred Coverage (\% sq. ft.)} + \text{Previously Mitigated Coverage (\% sq. ft.)})$$

(2) Excess Land Coverage Mitigation Program Options: In the event land coverage reduction is required, the applicant may chose any of the following options, or combinations thereof, to comply with the requirements of this Section:

(a) Reduce Coverage Onsite: Coverage may be reduced onsite as part of the project approval. Land subject to reductions shall be restored pursuant to Subsection 20.4.C.

(b) Reduce Coverage Offsite: Coverage may be reduced offsite as part of the project approval. The land upon which the coverage is reduced shall be in the same hydrologically related area as the project. Land subject to reductions shall be restored pursuant to Subsection 20.4.C.

(c) Coverage Mitigation Fee: A land coverage mitigation fee may be paid to TRPA in lieu of reduction of land coverage pursuant to Subparagraphs 20.5.A(2)(a) or (b). The fee shall be forwarded by TRPA to a land bank to provide land coverage reduction. The fee shall be calculated pursuant to Subparagraph 20.5.A(3) and shall be non-refundable once paid.

- (d) Parcel Consolidation Or Parcel Line Adjustment: The percentage of excess coverage may be reduced by parcel consolidation or parcel line adjustment with a contiguous parcel as part of the project approval.
- (e) Projects Within Community Plans: Projects which are located within an adopted community plan may rely on the community plan to mitigate excess land coverage provided TRPA makes findings (i) and (ii), below. In lieu of findings (i) and (ii) being made, the TRPA may determine that a project complies with the requirements of this subparagraph by making finding (iii), below:
  - (i) The project is located within an area for which a community plan, as originally adopted or subsequently amended, includes a program to mitigate the excess land coverage within the area. Such a program shall ensure that coverage mitigation, when measured for individual parcels affected by the program, meets the standards set forth in Section 20.5 (A) (1), (2), and (3). The options available for mitigating excess land coverage under any such program shall be any combination of those options set forth in subparagraphs (a), (b), (c) and (d) of this subsection.
  - (ii) There is an irrevocable commitment for the funding necessary to implement the program for mitigating excess land coverage. For purposes of this subparagraph, irrevocable commitment shall mean the following:
    - (A) The public entity funding the measure or, when necessary, the electorate has made all discretionary decisions required for the issuance of the bonded indebtedness under applicable state law and that only ministerial acts necessary to the issuance of any such bonded indebtedness and the receipt of funds there from remain to be completed. Any such funds shall be finally committed to, and available for, expenditure;
    - (B) The application for state and federal grant monies has received approval, and such grant monies are included in a duly enacted state budget or a legislative appropriation or federal authorization and appropriation. Any such funds shall be finally committed to, and available for, expenditure for the excess land coverage mitigation program in accordance with the approved community plan;
    - (C) Where the funding of the program is the responsibility of a person or persons, TRPA shall ensure that the public entity has received sufficient funds or an acceptable security to fully fund the program;

(D) The public entity funding the program has received a funded commitment from another public entity as described in (i) or (iii) above; or

(E) Any combination of (i) through (iv) above.

(iii) As a condition of approval, the permittee for the project shall post a security with TRPA, in accordance with Section 8.8, in an amount equal to the excess coverage mitigation fee otherwise required under Section 20.5. If a program to mitigate excess land coverage within the community plan has not been adopted by TRPA and an irrevocable commitment made by the time of final inspection of the project by TRPA, or 3 years after commencement of construction, whichever is sooner, the security shall be forfeited to TRPA. Securities forfeited to TRPA under this subparagraph shall be forwarded to a land bank to provide land coverage reduction.

(3) Determination Of Excess Coverage Mitigation Fee: The required excess land coverage reduction mitigation fee shall be calculated as follows:

(a) Coverage Mitigation Fee: The excess coverage mitigation fee shall be calculated by determining the amount of excess coverage (sq. ft.), in accordance with subparagraph (1), above. The appropriate fee percentage is then determined from Table A, below, based on the amount of excess land coverage. The fee percentage is then multiplied by the estimated construction cost of the project and then divided by the Mitigation Factor of five (5). The coverage reduction subtotal is then multiplied by the appropriate Table B Mitigation Fee Coverage Cost Factor to determine the Coverage Mitigation Fee. In calculating the estimated construction cost of the project, the cost of improvements that would otherwise be exempt from TRPA review and approval if proposed separately shall be subtracted from the estimated construction cost of the project. TRPA shall use the Marshall Swift Construction Cost Guide or its equivalent to determine the estimated construction cost. In no case shall the fee be less than \$100.

Mitigation Fee (\$) = Fee Percentage (%) x Estimated Construction Cost of Project (\$) / Mitigation Factor (5) x Table B Mitigation Fee Sq. Ft. Coverage Cost Factor.

**TABLE A**  
**EXCESS COVERAGE MITIGATION FEE SQ. FT. FACTOR**

Square Feet of Excess Coverage	Percent Fee Sq. Ft. Factor
>400 or less	.0006
>400 - 600	.0012
>600 - 1,000	.0025
>1,000 - 1,500	.0050
>1,500 - 2,000	.0075
>2,000 - 2,800	1.0000
>2,800 - 3,800	1.2500
>3,800 - 5,000	1.5000
>5,000 - 6,400	1.7500
>6,400 - 8,000	2.0000
>8,000 - 11,000	2.2500
>11,000 - 15,000	2.5000
>15,000 - 18,000	2.7500
>18,000 - 21,780	3.0000
>21,780 - 43,560	3.2500
>43,560 - 65,340	3.5000
>65,340 - 87,120	3.7500
>87,120 - 108,900	4.0000
>108,900 - 130,680	4.2500
>130,680 - 152,460	4.5000
>152,460 - 174,240	4.7500
>174,240	5.0000

**TABLE B**  
**MITIGATION FEE COVERAGE COST PER SQ. FT. FACTOR**

Hydrologic Zone (\$)	Excess Mitigation Fee (\$)
Incline	21.00
Marlette	6.50
Cave Rock	20.00
South Stateline:	California 6.50
	Nevada 18.00
Upper Truckee	6.50
Emerald Bay	6.50
McKinney Bay	6.50
Tahoe City	6.50
Agate Bay:	California 6.50
	Nevada 21.00

- (b) Coverage Reduction: For purposes of calculating the square footage reduction of excess coverage to be credited the parcel pursuant to Chapter 38, the land coverage reduction is calculated by dividing the mitigation by the standard TRPA coverage cost. ~~The standard cost shall be based on actual land bank coverage cost, to be determined by TRPA in consultation with the land banks and updated annually. Until a permanent program is adopted, the standard cost shall be \$5.00 per square foot determining the appropriate fee percentage from Table A above based on the amount of excess land coverage. The fee percentage is then multiplied by the estimated construction cost of the project and then divided by the mitigation factor of five (5).~~

$$\text{Coverage Reduction (Sq. Ft.)} = \frac{\text{Mitigation Fee Percentage} \times \text{Construction Cost (\$)}}{\text{TRPA Coverage Cost (\$/sq. ft.)} \times \text{Mitigation Factor of 5.}}$$

- (c) Fee Reductions During First Three Years of Program: For a period of one year from the effective date of this amendment, until January 1, 1990, the project cost, as calculated in accordance with subparagraph (a) above, shall be reduced by 30 percent prior to calculating the excess coverage mitigation fee. From January 1, 1990 to January 1, 1991, project cost shall be reduced by 20 percent and from January 1, 1991 to January 1, 1992, project cost shall be reduced by ten percent. Project cost shall not be reduced after January 1, 1992.



Mitigation of Excess Land Coverage  
Pursuant to Existing and Proposed Chapter 20 Ordinance Language:  
*A Calculation Example*

Assumptions Given	
Parcel A Size	100,000 Sq Ft
Permissible Coverage	30,000 Sq Ft
Existing Coverage	50,000 Sq Ft
Excess Coverage	20,000 Sq Ft
Project Construction Cost	\$500,000
Incline Hydrologic Zone Cost Factor	\$21.00/Sq Ft*

\*From Table B, Proposed Ordinance Amendment. See Attachment A.

Determination of **Percent Fee**:

Since Excess Coverage in the above example is greater than 18,000 and less than 21,780, **Table A** (See Attachment A, Page 20-4) indicates that the **Percent Fee is 3.00**.

Excess Coverage Mitigation Options  
Existing Ordinance

- Option 1: The Excess Coverage Mitigation Fee is 3.00 percent of \$500,000 = \$15,000. Pay this fee to TRPA. Fees to be deposited in the Nevada Land Bank to retire 3,000 Sq Ft of Land Coverage\*\*.
- Option 2: Reduce 3000 Sq Ft land coverage onsite.
- Option 3: Reduce 3000 Sq Ft land coverage offsite in Incline Hydrologic Zone.

\*\*At market value of \$21/Sq Ft, actual coverage retired = 714 Sq Ft., 2,286 short of 3000.

Excess Coverage Mitigation Options  
Proposed Ordinance

- Option 1: The Excess Coverage Mitigation Fee is 3000 Sq Ft X \$21.00 = \$63,000. Pay this fee to TRPA. Fees to be deposited in the Nevada Land Bank to retire 3,000 Sq Ft of Land Coverage.
- Option 2: Reduce 3000 Sq Ft land coverage onsite.
- Option 3: Reduce 3000 Sq Ft land coverage offsite in Incline Hydrologic Zone.

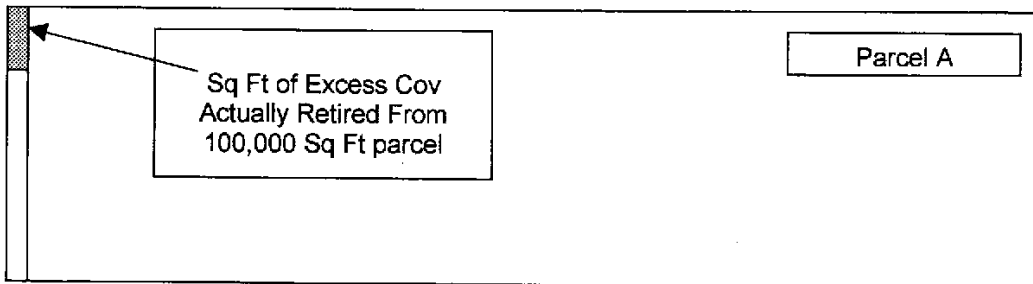
**Mitigation of Excess Land Coverage**  
**Pursuant to Existing and Proposed Chapter 20 Ordinance Language:**  
***A Graphic Example of Land Bank Use Problem***

**Assumptions Given: See Table Above**

**Excess Coverage Mitigation Options**  
**Existing Ordinance**

Option 1: The Excess Coverage Mitigation Fee is 3.00 percent of \$500,000 = \$15,000. Pay this fee to TRPA. Fees to be deposited in the Nevada Land Bank to retire 3,000 Sq Ft of Land Coverage\*\*.

**\*\*At market value of \$21/Sq Ft, actual coverage retired = 714 Sq Ft., 2,286 short of 3000.**



**Excess Coverage Mitigation Options**  
**Proposed Ordinance**

Option 1: The Excess Coverage Mitigation Fee is 3000 Sq Ft X \$21.00 = \$63,000. Pay this fee to TRPA. Fees to be deposited in the Nevada Land Bank to retire 3,000 Sq Ft of Land Coverage.

