

EXHIBIT A

Bi-State Recommendation

Land Coverage Transfers, Mitigation and Allowances

I. Transfers Across Hydrologic Zones – Excess Coverage Fees

The group supports a change to allow for the use of excess coverage mitigation fees outside the hydrologic zone in which the fees are collected to achieve more strategic environmental benefit.

II. Transfers Across Hydrologic Zones – Land Coverage Transfers

Add to the TRPA "to do" list a detailed review of coverage transfers across hydrologic zones. This review will include presentations from the California Tahoe Conservancy and the Nevada Land Bank/Nevada Division of State Lands.

III. Offsite Land Coverage Mitigation

The group supports a change to allow for offsite restoration across hydrologic boundaries for excess coverage mitigation purposes, provided the restoration occurs on more sensitive lands than the project area.

IV. Land Coverage Allowances

The group supports the coverage allowances and exemption proposed in the regional plan update for decks, sheds, and pervious coverage. The group further supports the proposed regional plan update exemptions for bike paths and ADA compliance.

V. Areawide Coverage Management Plans

The group supports the position that the benefits of a comprehensive area wide coverage management plan shall not accrue to the areas within 300 feet from the high water mark and coverage in that zone shall be governed by the current Regional Plan. Property owners that elect not to participate in areawide coverage management plans shall continue to be subject to the coverage provisions under the 1987 Regional Plan.

EXHIBIT B

TRPA Draft Regional Plan and Draft Code of Ordinances Language

Full length documents can be found at the TRPA website:

http://www.trpa.org/documents/rp_update/DEIS/2_Regional_Plan_Goals_&Policies_Tracked.pdf

http://www.trpa.org/documents/rp_update/Code_Update/Phase2/2_Draft_Code_Tracked.pdf

Draft Plan

Land Use Policies LU-2.9 through LU-2.12 address all coverage topics.

LU-2.9 ~~ALL NEW DEVELOPMENT SHALL CONFORM TO THE COEFFICIENTS OF~~ ALLOWABLE LAND COVERAGE ~~IN THE TAHOE REGION SHALL BE AS~~ SET FORTH IN ACCORDANCE WITH THE LAND CAPABILITY DISTRICT CLASSIFICATION METHODOLOGY AND DISTRICT BASED LAND COVERAGE LIMITATIONS SET FORTH IN "THE LAND CAPABILITY CLASSIFICATION OF THE LAKE TAHOE BASIN, CALIFORNIA-NEVADA, A GUIDE FOR PLANNING, BAILEY, 1974."

This ~~policy goal calls for policies which~~ limits allowable impervious land coverage associated with new development. These policies set allowable land coverage by applying the recommended Bailey land coverage coefficients to specifically defined and related areas. In some instances, provisions are made to allow additional coverage by transfer. The transfer programs shall operate by a direct offset method. In addition, land capability is one of the basic factors in determining the suitability of lands for development and appropriateness of land uses.

LU-2.10 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, OR AS OTHERWISE SET FORTH IN A, B, AND C OF THIS POLICY.

LAND CAPABILITY DISTRICT	MAXIMUM ALLOWED LAND COVERAGE
1a	1 percent
1b	1 percent
1c	1 percent
2	1 percent
3	5 percent
4	20 percent
5	25 percent
6	30 percent
7	30 percent

A. *In the case of subdivisions approved by TRPA in conformance with the coefficients coverages assigned to individual lots shall be the allowed base coverage for those lots. A list of such TRPA-approved subdivisions appears in Attachment 2D.*

- B. In the case of existing planned unit developments (PUDs) not in conformance with the coefficients, the coefficients shall apply to the entire project area minus public rights-of-way, and the allowed base coverage shall be apportioned to the individual lots or building sites, and common area facilities. A list of such PUDs appears in Attachment ~~3E~~
- C. After December 31, 1988, for vacant residential parcels evaluated under the Individual Parcel Evaluation System (IPES), the allowable base land coverage shall be a function of a parcel's combined score under the IPES criteria for relative erosion hazard and runoff potential as correlated with the above coefficients and applied to the designated evaluation area. ~~(See Goal #1, Policy 4 of the Development and Implementation Priorities Subelement.)~~

The method of calculation of allowed land coverages shall be detailed in the implementing ordinances consistent with the above policy.

LU-2.11 THE ALLOWED COVERAGE IN POLICY ~~4~~ LU-2.10 MAY BE INCREASED BY TRANSFER OF LAND COVERAGE ~~WITHIN HYDROLOGICALLY RELATED AREAS~~ UP TO THE LIMITS AS SET FORTH IN ~~A, B, C, D, AND F~~ OF THIS POLICY:

SPECIAL PROVISIONS FOR ADDITIONAL COVERAGE, SUCH AS EXCEPTIONALLY LONG DRIVEWAYS, PERVIOUS COVERAGE AND ~~HANDICAPPED~~ ACCESS FOR THE DISABLED, MAY ALSO BE ALLOWED. ORDINANCES SHALL SPECIFICALLY LIMIT AND DEFINE THESE PROGRAMS.

LU-2.14 LAND COVERAGE MAY BE TRANSFERRED THROUGH PROGRAMS THAT ARE FURTHER DESCRIBED IN THE GOAL #3 OF THE (DEVELOPMENT AND IMPLEMENTATION PRIORITIES) SUBELEMENT.

The intent of the land coverage transfer programs is to allow greater flexibility in the placement of land coverage ~~within hydrologically related areas~~. Such programs include the use of land banks, lot consolidation, land coverage restoration programs, and transfer programs based on the calculation of land coverage on non-contiguous parcels ~~located in hydrologically related areas~~. The coverage transfer programs allow for coverage over base coverage to be permitted and still be consistent with the soils threshold and Goal ~~#3~~LU-2 of this Subelement.

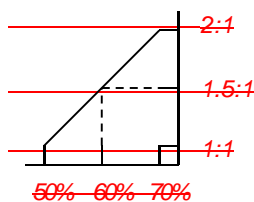
- A. Single Family Residential: The maximum land coverage allowed (Base + Transfer) on a parcel through a transfer program shall be as set forth below:

<u>Parcel Size (Square Feet)</u>	<u>Land Coverage</u>
0 - 4,000	Base Land Coverage
	as Set Forth in Policy <u>LU-2.10</u>
4,001 - 9,000	1,800 sq. ft.
<u>Parcel Size (Square Feet)</u>	<u>Land Coverage</u>
9,001 - 14,000	20 percent
14,001 - 16,000	2,900 sq. ft.
16,001 - 20,000	3,000 sq. ft.
20,001 - 25,000	3,100 sq. ft.

25,001 - 30,000	3,200 sq. ft.
30,001 - 40,000	3,300 sq. ft.
40,001 - 50,000	3,400 sq. ft.
50,001 - 70,000	3,500 sq. ft.
70,001 - 90,000	3,600 sq. ft.
90,001 - 120,000	3,700 sq. ft.
120,001 - 150,000	3,800 sq. ft.
150,001 - 200,000	3,900 sq. ft.
200,001 - 400,000	4,000 sq. ft.

For lots in planned unit developments, the maximum coverage allowed (Base + Transfer) shall be up to 100 percent of the proposed building envelope but shall not exceed 2,500 square feet. Lots in subdivisions with TRPA-approved transfer programs may be permitted the coverage specified by that approval.

- B. ~~Commercial~~ Facilities in a Community Plan, town center, regional center or the High Density Tourist District (Other than facilities listed in Subsection C-E below): The maximum coverage allowed (Base + Transfer) on ~~an existing undeveloped a~~ parcel through a transfer program, shall be 70 percent of the land in capability districts 4 - 7, provided the parcel is within an approved ~~e~~Community ~~p~~Plan, or a town center, regional center or the High Density Tourist District of a conforming Area Plan. ~~For existing developed parcels, the maximum land coverage allowed is 50 percent coverage +~~ transfers to increase coverage from the base coverage up to ~~50 percent~~the maximum coverage allowed, shall be at a ratio of 1:1 ~~for Coverage~~ transfers of coverage from sensitive lands. For transfer of coverage from non-sensitive lands, coverage shall be transferred to increase coverage above 50 percent, shall be at a gradually increasing ratios from 1:1 to 2:1, as further specified in code. with the transfer ratio for all the coverage over 50 percent determined as indicated on the following graph:



- C. ~~Tourist Accommodation Facilities,~~ Multi-Residential Facilities of 5 Units or More, Public Service Facilities, and Recreational Facilities in a Community Plan, town center, regional center or the High Density Tourist District: The maximum coverage (Base + Transfer) allowed on a parcel through a transfer program shall be ~~50~~ 70 percent of the land in capability districts 4 - 7, provided such parcel is within an approved ~~e~~Community ~~p~~Plan or a town center, regional center or the High Density Tourist District of a conforming Area Plan. The coverage transfer ratio~~A~~ to increase coverage from the base coverage to ~~50-70~~ percent shall be at a ratio~~A~~ of 1:1.
- D. Other Multi-Residential Facilities: The maximum coverage (Base + Transfer) allowed on a parcel through a transfer of coverage programs shall be the amounts set forth in ~~Subsection~~Policy A, above.

- E. *Linear Public Facilities and Public Health and Safety Facilities: Such public facilities defined by ordinance and whose nature requires special consideration, are limited to transferring the minimum coverage needed to achieve their public purpose.*
- F. *Public Service Facilities Outside a Community Plan, town center, regional center or the High Density Tourist District; The maximum coverage (Base + Transfer) allowed on a parcel through a transfer program shall be 50 percent land coverage provided TRPA determines there is a demonstrated need and requirement to locate such a facility outside a ~~Community plans~~Plan, town center, regional center or the High Density Tourist District ~~area~~ and there is no feasible alternative which would reduce land coverage.*
- G. *Other Facilities Outside of Community Plans, town centers, regional centers and the High Density Tourist District, ~~and Facilities Within Community Plans Before the Community Plan is Approved~~, and facilities outside a Community Plan but within a town center, regional center, or the High Density Tourist District before Area Plans are approved and found in conformance with the Regional Plan; Other than the exceptions in Subsections A, D, E, and F, the maximum land coverage allowed shall be the base land coverage as set forth in Policy LU-2.10.*
- H. *Notwithstanding Subsections A-G above, when existing development is relocated to town centers, regional centers or the High Density Tourist District and the prior site is restored and retired, non-conforming coverage may be maintained with the relocation as long as the new site is developed in accordance with all other TRPA Policies and Ordinances.*
- I. *Conforming Area Plans may include a comprehensive coverage management system as an alternative to the parcel level coverage requirements outlined in Subsection A-H above. In order to be found in conformance with the Regional Plan, the comprehensive coverage management system shall reduce coverage overall and reduce coverage in land capability districts 1 and 2 compared to the parcel level limitations in the Regional Plan and Code.*

CODE REFERENCES

1. Maximum Coverage in Community Centers

Draft Code: Section 30.4.2.B

B. Location-Specific Standards

- 1. **Commercial Facilities Within Community Plans, Town Centers, Regional Centers, or the High-Density Tourist District**
 - a. ~~Unless otherwise provided in subparagraphs 30.4.2.A, 30.4.2.C, or 30.4.2.D~~^{30.4.3L} The maximum land coverage (base coverage plus transferred coverage) allowed on a parcel the project area for commercial facilities located within approved community plans approved pursuant to Chapter 12, or within town centers, regional centers, or the High-Density Tourist District of Area Plans that have been found in conformance with the Regional Plan pursuant to Chapter 13, is as follows:

- ~~b. For parcels upon which there is no development legally existing as of the effective date of the Regional Plan, maximum land coverage shall be 70 percent of the project area that is located within Land Capability Districts 4 through 7, inclusive, and~~
- ~~c. For parcels upon which there legally exists development as of the effective date of the Regional Plan, maximum land coverage shall be 50 percent of the project area that is located within Land Capability Districts 4 through 7, inclusive.~~
- ~~d. Tourist Accommodation Facilities, Multi-Residential Facilities (Five or More Units), Public Service Facilities, and Recreation Facilities — Within Community Plans~~
- ~~a. The maximum land coverage (base coverage plus transferred coverage) allowed on a parcel for tourist accommodation facilities, multi-residential facilities of five units or more, public service facilities, and recreation facilities shall be limited to 750 percent of the project area, provided the parcel is located within a community plan approved pursuant to Chapter 12.~~
- ~~e.b. Such land coverage may be used only on the project area located within Land Capability Districts 4 through 7, inclusive, referred to in subsection 30.4.1. Subdivisions into parcels of four or fewer residential units are not eligible for the maximum land coverage permitted under this subparagraph unless a deed restriction requiring maintenance of the units as affordable or moderate income housing, as defined by TRPA, is approved by TRPA and recorded against the property.~~

2. Coverage Transfers

Draft Code: Section 30.4.3

30.4.3 Method of Transferring Land Coverage

Land coverage may be transferred to eligible parcels for eligible uses, in accordance with the percentage limitations set forth in subsection 30.4.2 and the requirements of this subsection. A transfer of land coverage shall be from one parcel or project area to another and shall only be transferred in conjunction with a project approved by TRPA. Land coverage banks may be designated by TRPA pursuant to Section 6.9, to provide land coverage for transfer purposes.

B. Land Coverage Transfer Ratios

Land coverage transferred from one parcel ("sending parcel") to another parcel ("receiving parcel") shall be in accordance with the following ratios:

1. General

Except for transfers relating to ~~commercial~~ uses within approved community plans, town centers, regional centers, or the High-Density Tourist District, the transfer of one square foot of land coverage to a receiving parcel shall require the retirement of one square foot of land coverage on the sending parcel (1:1 transfer ratio). Higher transfer ratios may be required pursuant to subparagraphs A.2 and c below.

2. Commercial Uses Within Approved Community Plans, Town Centers, Regional Centers, or the High-Density Tourist District

~~a. Developed receiving parcels within approved community plans with existing commercial facilities shall be eligible to receive transferred land coverage at the ratio prescribed by subparagraph A.1 above, up to the maximum 50 percent land coverage prescribed by subparagraph 30.4.2.B.2.~~

~~b. Undeveloped receiving parcels within approved community plans, eligible for the maximum 70 percent land coverage prescribed by subparagraph 30.4.2.B.1, shall be eligible to receive transferred land coverage at the ratio prescribed in subparagraph 1 above, until the total land coverage reaches 50 percent of the project area. Undeveloped parcels shall be eligible to receive additional transferred land coverage in excess of the 50 percent limit, until the total land coverage reaches the maximum 70 percent, provided the additional coverage over 50 percent is transferred at the ratio set forth in Table 30.4.4-1:~~

Receiving parcels within an approved community plan, town center, regional center, or the High-Density Tourist District, eligible for the maximum 70 percent land coverage prescribed by subparagraph 30.4.2.A.2, shall be eligible to receive transferred land coverage at the following ratios:

e.a. Transfers from Sensitive Lands and Sensitive Use Types

~~f~~From sensitive lands, land coverage shall be transferred at a ratio of 1:1, prescribed in subparagraph 1 above, until the total land coverage reaches 50 percent of the project area maximum allowed.

b. Transfers from Non-Sensitive Lands

~~f~~From non-sensitive lands, land coverage shall be transferred at a ratio of 1:1 up to 50 percent, and ~~is~~ additional transferred land coverage in excess of the 50 percent shall be ~~is~~ transferred at t ratio set forth in Table 30.4.4-1 for projects with coverage in excess of 50 percent until the total land coverage reaches the maximum allowed except as provided in subparagraph c. below:

TABLE 30.4. 34 -1: TRANSFER RATIOS	
Maximum Percent of Final Coverage	Transfer Ratio
≥ 50 <u>≥ 51</u>	1.05:1
> 51 <u>> 52</u>	1.1:1
> 52 <u>> 53</u>	1.15:1
> 53 <u>> 54</u>	1.2:1
> 54 <u>> 55</u>	1.25:1
> 55 <u>> 56</u>	1.3:1

TABLE 30.4. 34-1: TRANSFER RATIOS

Maximum Percent of Final Coverage	Transfer Ratio
> 56 57	1.35:1
> 57 58	1.4:1
> 58 59	1.45:1
> 59 60	1.5:1
> 60 61	1.55:1
> 61 62	1.6:1
> 62 63	1.65:1
> 63 64	1.7:1
> 64 65	1.75:1
> 65 66	1.8:1
> 66 67	1.9:1
> 67 68	1.95:1
> 68 70	2:1

Example of Land Coverage Transfer from Non-Sensitive Sending Parcel

Receiving Parcel:

Five-acre parcel = 217,800 sq. ft.

Allowable base coverage (30%) = $0.3 \times 217,800 = 65,340$ sq. ft.

Proposed project coverage (60%) = $0.6 \times 217,800 = 130,680$ sq. ft.

Total Land Coverage Needed for Transfer from Non-Sensitive Sending Parcel:

Step 1: For first 0% - 30% of coverage:

(No transfer necessary) Then: 0 to 30% = **0 sq. ft.**

Step 2: For ~~next~~ 30~~1~~% to 50% (i.e., 20%) of coverage:

[Required ratio is 1:1] Then: $20\% \times 217,800$ sq. ft. = 43,560 sq. ft.

So: $43,560$ sq. ft. $\times 1$ = **43,560 sq. ft.**

Step 3: For ~~next~~ 50~~1~~% to 60% (i.e., 10%) of coverage:

[Required ratio is 1.5:1] Then: $10\% \times 217,800$ sq. ft. = 21,780 sq. ft.

So: $21,780$ sq. ft. $\times 1.5$ = **32,670 sq. ft.**

Total land coverage transfer ($43,560 + 32,670$) = **76,230 sq. ft.**

c. Transfer for Multi-Residential Facilities of Five Units or More, Public Service Facilities, and Recreation Facilities

Land coverage shall be transferred at a ratio of 1:1, until the total land coverage reaches the maximum allowed.

C. Types of Land Coverage Eligible for Transfer

The following types or classes of legally established land coverage are eligible for transfer to receiving parcels in accordance with the provisions of this chapter:

1. **Hard Land Coverage**

Hard land coverage may be transferred in all cases.

2. **Soft Land Coverage**

Soft land coverage may be transferred in all cases; ~~however, transfers relating to commercial or tourist accommodation uses or facilities shall not be permitted, except for the following:~~

~~a. however, soft coverage may be transferred to commercial parcels within the South Y Industrial Tract Community Plan within the Upper Truckee River Hydrologic Transfer Area for service, light industrial, and wholesale/storage uses in accordance with subsection 1.1.1 and provided that the findings in subparagraph 1.1.1.A below are made.~~

~~a.b. Legally existing and verified soft coverage may be transferred from Stream Environment Zones (district 1bB) to community plans, town centers, regional centers, and the High-Density Tourist District for all use types.~~

3. **Base Land Coverage**

Unused allowable base land coverage (i.e., potential coverage) referred to in subsection 30.4.1 may be transferred in all cases, except for transfers relating to commercial or tourist accommodation uses or facilities. Land coverage transferred as mitigation for excess coverage associated with commercial and tourist accommodation projects shall be existing hard coverage except as provided in subparagraph 2 above.

4. **Land Coverage for Single-Family House**

Land coverage transferred for a single-family house, including, but not limited to, a house to be constructed pursuant to IPES, shall be from a sending parcel as environmentally sensitive as or more environmentally sensitive than the receiving parcel. If both sending and receiving parcels have not received IPES rating scores, relative environmental sensitivity shall be determined by comparing the land capability classification of each parcel. If both parcels have IPES rating scores, sensitivity shall be determined by comparing the scores of each. If one parcel has an IPES rating score and the other does not, TRPA shall determine sensitivity.

5. **Land Coverage for Water Quality Control Facilities**

Land coverage transferred for water quality control facilities pursuant to subsection 1.1.1A shall be in accordance with 1 through 3 above, or shall be mitigated through restoration in accordance with subsection 30.5.3, in the amount of 1.5 times the area of land covered or disturbed for the project beyond that permitted by the coefficients in Table 30.4.1-1.

D. **Sending Parcels Classified as Sensitive Lands**

If land coverage is transferred from a sending parcel, or a portion thereof, ~~that is defined as a sensitive land, that is located in Land Capability Districts 1 through 3, inclusive, or is at or below the initial level defining the top rank under IPES (i.e., 725), the~~

coverage transferred shall be permanently retired as set forth in subparagraph 1.1.1.F below and may not be returned to the sending parcel.

E. Sending Parcels Classified as Non-Sensitive Lands

If land coverage is transferred from a sending parcel, ~~or a portion thereof, that is defined as a non-sensitive land, that is located in Land Capability Districts 4 through 7, inclusive, or is above the initial level defining the top rank under IPES (i.e., 725),~~ the land coverage transferred shall be retired as set forth in subparagraph 1.1.1.F below, but the land coverage may be returned to the sending parcel subject to the limitations of subsections 30.4.1 and 30.4.2.

~~F. Hydrologically Related Area Transfer Limitation~~

~~For all land coverage transfers, the receiving parcel and the sending parcel shall be in the same hydrologically related area. The hydrologically related area boundaries are depicted upon the TRPA Plan Area Overlays and are incorporated herein. Transfer across said boundaries is prohibited. See, however, subparagraph 30.5.3.B for requirements regarding off-site restoration credits that may be used in different hydrologically related areas.~~

~~G. Inadequate Supply of Land Coverage~~

~~If TRPA, after conducting a review of the cost of land coverage available at the land bank, finds there is an inadequate supply of hard land coverage for commercial or tourist accommodation uses at a reasonable cost within a given hydrologically related area, TRPA may authorize an increase in the supply of land coverage for transfer in the order of priority set forth below. In determining "reasonable cost," TRPA shall consider: whether there is no market for the coverage due to its cost, limited supply or simple absence of transactions; and other pertinent factors. Prior to authorizing an increase in supply of land coverage, TRPA also shall consider the effect of the increase on the inventory in the land bank and the value of investments made by the bank in hard or soft land coverage. If TRPA authorizes an increase in the supply of land coverage, it shall do so in the following order of priority:~~

- ~~1. Existing soft coverage as described in the definition of "land coverage."~~
- ~~2. Unused base coverage, referred to in the Goals and Policies as "potential coverage."~~
- ~~3. Through redefinition of the boundaries of the hydrologically related area to increase the supply of coverage.~~

H.F. Restoration and Retirement of Land Coverage

Land coverage shall be restored and retired pursuant to Section 51.6 and the following:

1. Transfers

TRPA shall ensure that land coverage transferred pursuant to subsection 1.1.1 shall be retired permanently pursuant to the following requirements:

- a. In the event land coverage is removed from the sending parcel, the applicant or a public agency shall restore the sending parcel to a natural or near natural state;

- b. Provisions for future maintenance and protection of the parcel from further soil disturbance shall be made, whether or not the parcel is undisturbed or subject to restoration; and
- c. For parcels in private ownership, deed restrictions, or other covenants running with the land, permanently assuring the accomplishment of the requirements of subparagraphs a and b above shall be recorded by the owner. For parcels in public ownership, TRPA shall obtain binding assurance from the public agency that the requirements of subparagraphs a and b above are permanently met.

2. **Removal of Land Coverage for Credit**

In the event land coverage is removed on one parcel, but is not proposed for immediate transfer to another parcel, the applicant shall comply with subparagraphs 1.1.1.F.1.a and b, to assure credit for the removed coverage in accordance with Chapter 6.

±G. Land Bank

Land coverage transfers and land coverage retirement programs may use a land bank pursuant to Chapter 6: Tracking, Accounting, and Banking.

3. Coverage Mitigation

Draft Code: Section 30.6

30.6 EXCESS LAND COVERAGE MITIGATION PROGRAM

This section applies to projects where the amount of TRPA-verified land coverage existing in the project area prior to the project exceeds the base land coverage prescribed by subsection 30.4.1. Land coverage in excess of the base allowable land coverage shall be mitigated by the transfer of land coverage pursuant to subsection 30.4.3 or the land coverage mitigation program set forth in this section.

30.6.1 Implementation of Program

Except as otherwise provided by subsection 30.6.2, all projects on parcels or other project areas with unmitigated excess land coverage are 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 subparagraphs 1.1.1.A and B.

A. **Excess Coverage Calculation**

Excess land coverage equals the amount of TRPA-verified existing 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.

Summary of Excess Land Coverage Calculation

Excess Land Coverage (sq. ft.) = Existing land coverage (sq. ft.) – [Maximum base allowable land coverage (sq. ft.) + Approved transferred land coverage (sq. ft.) + Previously mitigated land coverage (sq. ft.)]

B. **Excess Land Coverage Mitigation Program Options**

In the event land coverage reduction is required, the applicant may choose any of the following options, or combinations thereof, to comply with the requirements of this section.

1. **Reduce Land Coverage Onsite**

Coverage may be reduced onsite as part of the project approval. Land subject to reductions shall be restored pursuant to subsection 30.5.3.

2. **Reduce Land 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 30.5.3.

3. **Land Coverage Mitigation Fee**

A land coverage mitigation fee may be paid to TRPA in lieu of reducing land coverage pursuant to subparagraphs 1 or 2 above. The fee shall be forwarded by TRPA to a land bank to provide land coverage reduction. The nonrefundable fee shall be calculated pursuant to subparagraph 1.1.1.C.

4. **Parcel Consolidation or Parcel Line Adjustment**

The amount of excess land coverage may be reduced by parcel consolidation or parcel line adjustment with a contiguous parcel as part of the project approval.

5. **Projects Within Community Plans**

Projects that are located within an adopted community plan may rely on the community plan to mitigate excess land coverage provided TRPA makes findings a and b, below. In lieu of findings a and b being made, TRPA may determine that a project complies with the requirements of this subparagraph by making finding c, below:

a. ***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 subparagraphs 1.1.1.A through C. The options available for mitigating excess land coverage under any such program shall be any combination of those options set forth in subparagraphs 1, 2, 3, or 4 above.***

b. ***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:***

(i) ***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 therefrom remain to be completed. Any such funds shall be finally committed to, and available for, expenditure;

(ii) 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;

(iii) 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;

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

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

c. As a condition of approval, the permittee for the project shall post a security with TRPA, in accordance with Section Error! Reference source not found., in an amount equal to the excess coverage mitigation fee otherwise required under Section 30.6. 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 three 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.

C. Determination of Excess Land Coverage Mitigation

The required excess land coverage reduction mitigation shall be calculated as follows:

1. Coverage Reduction Mitigation

For purposes of calculating the square footage reduction of excess coverage to be credited the parcel pursuant to Chapter 6: Tracking, Accounting, and Banking; the land coverage reduction square footage shall be calculated by determining the reduction percentage from Table 30.6.1-2 below, based on the amount of TRPA-verified existing excess land coverage on the parcel or project area. The reduction percentage from Table 30.6.1-2 shall be multiplied by the estimated coverage mitigation construction cost of the project and then divided by the mitigation factor of eight.

Land Coverage Reduction (Sq. Ft.) = Fee Percentage x Land Coverage Mitigation Construction Cost (\$) / Mitigation Factor of 8.

2. **Excess Land Coverage Mitigation Fee**

The excess coverage mitigation fee shall be calculated by determining the amount of required land coverage reduction (sq. ft.), in accordance with subparagraph 1 above. The land coverage reduction square footage shall then be multiplied by the appropriate Mitigation Fee Coverage Cost Factor to determine the Excess Land Coverage Mitigation Fee. The Mitigation Fee Land Coverage Cost Factor(s) shall be established by TRPA staff by January 1 of each year based on a certified real estate appraiser’s estimate of the land bank’s cost to acquire and restore land coverage under this program. The appraiser shall use the methodology established in the Uniform Standards of Appraisal Practice. The excess land coverage fee shall be calculated according to the schedule provided in the Rules of Procedure in subsection 10.8.5.

The excess land coverage fee shall be as follows:

Mitigation Fee (\$) = Land Coverage Reduction Sq. Ft. x Mitigation Fee Sq. Ft. Land Coverage Cost Factor.

3. **Land Coverage Mitigation Construction Cost**

“Land coverage mitigation construction cost” is defined as a cost estimate prepared by a registered engineer, licensed architect, or other qualified professional acceptable to TRPA, of the cost to construct the structural elements of a structure. This includes, without limitation: pier pilings, bracing and supports, bearing walls, rafters, foundations, and base materials under asphalt or concrete. Land coverage mitigation construction cost shall not include non-structural elements such as painting, shingles and other non-bearing roofing materials, siding (except siding necessary to brace or provide shear strength), doors overlays upon existing paved surfaces, HVAC systems, sewer systems, water systems, electrical systems, furniture, and similar decorations and fixtures.

TABLE 30.6.1-2: EXCESS COVERAGE REDUCTION SQ. FT. FACTOR

Square Feet of Excess Coverage	Reduction % Factor
>400 or less	0.06
>400 – 600	0.12
>600 - 1,000	0.25
>1,000 - 1,500	0.50
>1,500 - 2,000	0.75
>2,000 - 2,800	1.00
>2,800 - 3,800	1.25
>3,800 - 5,000	1.50
>5,000 - 6,400	1.75
>6,400 - 8,000	2.00

**TABLE 30.6.1-2: EXCESS COVERAGE REDUCTION
SQ. FT. FACTOR**

Square Feet of Excess Coverage	Reduction % Factor
>8,000 - 11,000	2.25
>11,000 - 15,000	2.50
>15,000 - 18,000	2.75
>18,000 - 21,780	3.00
>21,780 - 43,560	3.25
>43,560 - 65,340	3.50
>65,340 - 87,120	3.75
>87,120 - 108,900	4.00
>108,900 - 130,680	4.25
>130,680 - 152,460	4.50
>152,460 - 174,240	4.75
>174,240	5.00

30.6.2 Exemptions From the Excess Land Coverage Mitigation Program

- A. **Parcels With Mitigated Land Coverage**
Parcels or project areas that contain land coverage in excess of base land coverage prescribed by subsection 30.4.1, provided such excess coverage has been fully mitigated pursuant to subsection 30.6.1, shall not be subject to the land coverage mitigation program.

- B. **Repair and Reconstruction of Buildings Damaged or Destroyed by Fire or Other Calamity**
Repair and reconstruction of buildings damaged or destroyed by fire or other calamity pursuant to Chapter 2: Applicability of the Code of Ordinances shall not be subject to the excess land coverage mitigation program.

- C. **Work Not Requiring a Permit**
An activity not requiring a permit pursuant to Chapter 2 shall not be subject to the excess land coverage mitigation program.

- D. **TRPA Requirements**
Projects and modifications, or portions thereof, required by TRPA and that are directly related to attainment of the environmental thresholds, such as best management practices and stream environment zone restoration, shall not be subject to the excess land coverage mitigation program. The following categories of projects, if not carried out in conjunction with another type of project, may be exempt from the excess land coverage mitigation program:

1. **Installation of erosion control facilities;**
 2. **Restoration of disturbed areas;**
 3. **SEZ restoration;**
 4. **Underground storage tank removal, replacement, or maintenance;**
 5. **Hazardous waste spill control or prevention facilities; and**
 6. **Sewage pump-out facilities for RVs or boats.**
- E. **Repair of Linear Public Facilities**
Repair of linear public facilities is not subject to the excess land coverage mitigation program.
- F. **Minor Utility Projects**
Activities that involve the replacement, repair, undergrounding, or interconnection of existing utilities or that extend local distribution, and that are located within a right-of-way where the applicant is not the primary right-of-way user, are considered minor utility projects and shall not be subject to the excess land coverage mitigation program. The construction of roads is not a minor utility project. The primary right-of-way user shall be the owner or controlling party of the right-of-way.
- G. **Synthetic Turf Coverage**
Public athletic fields converted from turf grass to synthetic turf pursuant to subsection 30.4.5 shall not be subjected to the excess land coverage mitigation program. This exemption shall not apply to synthetic turf that is lawfully approved for hard coverage.

30.6.3 Onsite Removal and Retirement of Excess Coverage in Town Centers, Regional Centers, or the High-Density Tourist District

- H. **Before utilizing this subsection, excess coverage shall be mitigated pursuant to Section 30.6.**
- I. **Onsite removal and retirement of remaining excess coverage in town centers, regional centers, or the High-Density Tourist District may earn multi-residential bonus units, tourist accommodation bonus units, and/or commercial floor area, pursuant to the conversion ratios in the following table:**

<u>TABLE 30.6.3-1: CONVERSION RATIOS FOR EXCHANGE OF COVERAGE FOR RESIDENTIAL BONUS UNITS, CFA, AND TAU</u>		
<u>Land Capability District</u>	<u>Coverage Reduced (sq. ft.)</u>	<u>Bonus Units Earned¹</u>
<u>SEZ (1b)</u>	<u>700</u>	<u>1</u>
<u>1a, 1c, 2, or 3</u>	<u>1400</u>	<u>1</u>
<u>4, 5, 6, or 7</u>	<u>2100</u>	<u>1</u>

¹ One unit is equivalent to one residential bonus unit, one TAU, or 1,000 square feet of CFA. Rounding shall not be used to round up to whole numbers of bonus units.

Example: Site has 1,000 sq. ft. of excess land coverage in an SEZ.

Step 1: Applicant must mitigate excess coverage according to Section 30.6.

Thus, if 200 sq. ft. of coverage is mitigated under Section 30.6, then the applicant would have 800 sq. ft. (1,000 sq. ft. – 200 sq. ft. = 800 sq. ft.) of remaining excess coverage to apply under Step 2.

Step 2: Apply options of Table 30.6.3-1 to determine the number of bonus units earned.

Thus, if an additional 700 sq. ft. of coverage is reduced, then the applicant would earn one bonus unit because the reduced coverage is in an SEZ. This would leave 100 sq. ft. (800 sq. ft. – 700 sq. ft. = 100 sq. ft.) of excess coverage on the site.

Land Coverage Reduction (Sq. Ft.) = Fee Percentage x Land Coverage Mitigation Construction Cost (\$) / Mitigation Factor of 8.

4. Coverage Exemptions and Credits

Draft Code: Section 30.4.6

30.4.6 Exemptions and Partial Exemptions from Calculation of Land Coverage

A. Exemption for Temporary Structures

Land coverage underlying temporary structures are exempt from the calculation of land coverage. For purposes of this provision only, temporary structures are those with no permanent foundation, do not exceed 120 square feet in aggregate size on high capability lands, and do not require a permit from TRPA.

H.B. Overhang Allowance

For every three feet an overhang structure, such as a deck or roof eave, is elevated above the ground surface, one foot of the perimeter horizontal dimension of the structure shall be excluded from land coverage calculations. The remainder of the overhang shall be counted.

C. Partial Exemptions from Calculation of Land Coverage

1. Pervious Coverage

For pervious coverage on high capability lands, 25 percent of the size of the improvement shall not count towards the calculation of land coverage, subject to the following design and maintenance requirements:

- a. The coverage shall comply with all applicable BMPs, including those relating to installation and maintenance;
- b. Pervious asphalt is not eligible for credit under this provision.

2. Pervious Decks

- a. Partial exemption from the calculation of land coverage is available for new pervious decks on high capability lands provided the decks meet all applicable requirements of this Code, including installation of BMPs.
- b. The following exemptions are available:
 - (i) Up to 500 square feet decking: 100 percent exemption
 - (ii) 501 – 625 square feet decking: 80 percent exemption
 - (iii) 626 – 750 square feet decking: 60 percent exemption
 - ~~(iv)~~ 751 – 875 square feet decking: 40 percent ~~credit~~ exemption
 - ~~(ii)~~ 876 –
 - (v) -1000 square feet decking: 20 percent exemption
- c. Existing decks that were legally established as of January 1, 2013, count as coverage and shall not qualify for this partial exemption.

3. Non-Motorized Public Trails¹

Non-motorized public trails are exempt from the calculation of land coverage, subject to the following siting and design requirements.

a. Accessibility

The trail shall be open to the public in perpetuity at no cost, through dedication of a public easement or other means acceptable to TRPA.

b. Trail Route Design

(i) Trail routes shall be designed to minimize disturbance of sensitive lands and removal of large trees and riparian vegetation. Particular areas to minimize disturbance of in the routing of trails are (in order of preference):

(1) Federal jurisdictional wetlands as mapped by the Army Corps of Engineers;

(2) Other Stream Environment Zones (land capability district 1b);

(3) Other areas in land capability districts 1 and 2;

(4) Areas in land capability district 3; and

(5) Areas requiring the removal of large trees.

(ii) In designing trail routes, the protection of sensitive areas, trees, and vegetation shall be balanced with consideration of the following:

(1) Trail routes shall generally be consistent with trail networks identified in Map 5 of the Regional Plan, "Bicycle and Pedestrian

¹ Text is based on IM LU-2 approved December 15, 2011. New text also is based on suggestions provided by TRPA staff and the California Tahoe Conservancy, in coordination with Placer County and Tahoe City PUD staff.

Facilities,” or adopted federal, state, tribal, or local government plans;

(2) Detours in trail design to protect sensitive resources should avoid significant additions to trail length; and

(3) Routes shall be designed to promote safety for trail users (e.g., by minimizing road/driveway crossings and providing buffers between trail users and roadways).

c. Trail Design

In addition to the requirements of the Army Corps of Engineers and other public agencies, trail designs shall comply with the following:

(i) Trail design shall comply with the AASHTO Guide for the Development of Bicycle Facilities or other industry standard design criteria for the appropriate trail type, as determined by TRPA.

(ii) Except for unpaved single-track trails, bridges, boardwalks, and/or other elevated over-stream crossings shall be provided.

(iii) Except for unpaved single-track trails, all trails through SEZ areas shall allow periodic surface flows to pass under the trail and to maintain the natural function of the SEZ lands.

(iv) The trail shall be designed in accordance with the BMP handbook.

(v) The trail shall be designed to minimize disruptions to or crossings of sensitive wildlife habitat.

5. Area-Wide Coverage Management Plans

Draft Code: Section 13.5.3.B.1

1. Alternative Comprehensive Coverage Management Systems

An Area Plan may propose a comprehensive coverage management system as an alternative to the parcel-level coverage requirements outlined in Sections 30.4.1 and 30.4.2 provided that the alternative system shall: 1) reduce the total coverage and not increase the cumulative base allowable coverage in the area covered by the comprehensive coverage management system, and 2) reduce the total amount of coverage and not increase the cumulative base allowable coverage in Land Capability Districts 1 and 2. For purposes of this provision, “total” coverage is the greater of existing or allowed coverage. See also Section 1.1.1: Land Coverage Requirements for Conforming Area Plans.

Alternative Comprehensive Management System: Process for Establishing Maximum Coverage

Step 1 – Document coverage information for each parcel in the coverage management area.

- A. Document base allowable land coverage (Sec. 30.4.1).
- B. Document maximum allowable land coverage (Sec. 30.4.2).
- C. Document TRPA verified existing land coverage (Sec. 30.3).
- D. Document total allowable land coverage — greater of B or C.
- E. If a parcel contains Land Capability District 1 or 2, calculate A–D separately for each LCD.

Step 2 – Calculate base allowable coverage and total allowable coverage for the management area.

- A. Calculate base allowable land coverage for management area (total of answer 1A for all parcels).
- B. Calculate base allowable land coverage for Land Capability Districts 1 and 2 (total of answer 1A for districts 1 & 2).
- C. Calculate total allowable land coverage for management area (total of answer 1D for all parcels).
- D. Calculate total allowable land coverage for Land Capability Districts 1 and 2 (total of answer 1D for districts 1 & 2).

Step 3 – Demonstrate that coverage limitations for the management area are consistent with Code requirements (Sec. 13.5.3.B.1).

- A. Base allowable land coverage for the management area shall not exceed answer 2A.
- B. Base allowable land coverage for Land Capability Districts 1 and 2 shall not exceed answer 2B.
- C. Total allowable land coverage for the management area shall be less than answer 2C.
- D. Total allowable land coverage for Land Capability Districts 1 and 2 shall be less than answer 2D.
- E. Total allowable land coverage shall not exceed 70%.

Final Requirement: Coverage Management System shall comply with items A-E.

6. Land Capability Verifications

Draft Code: Section 30.3.3.H

A. **Parcels on Which Field Verification is Not Required**

In the absence of any formal challenge, field verification is not required when all of the following criteria are met, based on existing records:

1. The entire parcel is located in land capability districts 4-7;
2. The parcel exhibits generally uniform slope;
3. There is no record or evidence of high ground water on the parcel;
4. Land capability verifications have been conducted and recorded for other parcels within the immediate geographic vicinity (which, for purposes of this provision only, shall be considered as parcels in the same land capability districts and located within one-half mile of the subject parcel); and
5. The 1987 mapped land capability district(s) and the land capability district(s) based on the NRCS 2006 Soil Survey are identical.

EXHIBIT C

DRAFT Environmental Impact Statement (DEIS) Mitigation Measures

Full length DEIS can be found at the TRPA website: <http://www.trpa.org/default.aspx?tabindex=0&tabid=422>

Mitigation Measure 3.8-4:

Coverage Exemption Requirements

For Alternatives 3 and 4, as applicable, TRPA will through Code amendments, TRPA approved plans, project-permitting, or projects/programs developed in coordination with local or other governments:

A. Temporary Coverage

- Specify that the temporary coverage exemption does not apply to structures or facilities used for motorized vehicle access, parking, or storage.
- Specify that only parcels with installed and maintained BMPs meeting TRPA requirements shall qualify for the temporary coverage exemption. As part of this provision, the exempted temporary coverage must also have BMPs installed and maintained to meet TRPA requirements.
- Limit the temporary coverage exemption to 2 percent of the total amount of high capability land on a parcel or 120 square feet, whichever is less, provided that the temporary coverage meets BMP requirements and is located on high capability land (LCDs 4-7).

B. Pervious Decks

- Specify that only residential parcels with installed and maintained BMPs meeting TRPA requirements shall qualify for the pervious deck exemption.
- Include design characteristics that qualify a pervious deck for exemption that can be easily interpreted by both TRPA staff and homeowners in the Region. For example: “a pervious deck shall have gaps that allow water to pass freely and in a distributed fashion to deck armoring underneath the deck meeting BMP requirements in the BMP Handbook.”
- Limit the pervious deck exemption to 5 percent of the total amount of high capability land on a parcel or 750 square feet, whichever is less, provided that the pervious deck meets BMP requirements and is located on high capability land (LCDs 4-7).

C. Pervious Coverage Exemption

- Specify that only parcels with installed and maintained BMPs meeting TRPA requirements shall qualify for the pervious coverage exemption.
- Restrict the coverage credit of pervious coverage to locations with low sediment loads (e.g., locations that don't receive road abrasives, locations that are not tributary to runoff that may contain road abrasives, locations that are not tributary to runoff associated with erodible surfaces) unless a redundant infiltration BMP is in place.

D. Aggregate of Coverage Exemptions and Credits on Developed Parcels

- Restrict the total exemption for temporary coverage and pervious decks; and the pervious coverage credit to be in aggregate no more than 10 percent of total amount of high capability land on a parcel.

E. Non-Motorized Trail Exemption

- Develop and require design guidelines for non-motorized trails that address sensitivity of conditions in LCDs 1a, 1b, 1c, 2, and 3.
- Limit the maximum amount of allowable exempted coverage under this policy for high capability lands to the trail networks identified in the Lake Tahoe Region Bike Trail and Pedestrian Plan (TMPO 2010) and other necessary trail connections to the trails identified in the Lake Tahoe Region Bike Trail and Pedestrian Plan.

F. ADA Exemption (Alternative 4)

- Explicitly clarify in the policy that exempted coverage may not be associated with vehicle use (e.g., parking spaces).
- Specify that only parcels with installed and maintained BMPs meeting TRPA requirements shall qualify for the ADA Exemption.

EXHIBIT D

Comments from Agencies, Organizations and Businesses/Individuals

Full comment letters can be read at the TRPA website, located at: <http://www.trpa.org/RPUEISComments/>

Agencies:

CA_Department of Justice
CA_Department of Parks & Recreation
CA State Agencies
CA_Tahoe Conservancy
El Dorado_Department of Transportation
Tahoe City Public Utility District
Tahoe Transportation District
TRPA Advisory Planning Commission
US_Environmental Protection Agency

Organizations:

Contractors Association of Tahoe Truckee
Friends of Tahoe Vista
Friends of the West Shore
League to Save Lake Tahoe, Friends of the West Shore, Tahoe Area Sierra Club – Joint Comments
North Lake Tahoe – Chamber_CVB_Resort Association
North Tahoe Business Association
North Tahoe Preservation Alliance/ Mountain Area Preservation Foundation
South Tahoe Association of Relators
Tahoe Area Sierra Club
Tahoe Chamber
Tahoe City Downtown Association

Businesses:

Edgewood Companies
Edgewood Companies & Heavenly Mountain Resort – Joint Comments
Gary Davis Group
Heavenly Mountain Resort
Kaufman Planning & Consulting
Sierra Colina
Sustainable Community Advocates

Individuals:

Anonymous 1
Anonymous 3
Anonymous 6
Anonymous 11
Anonymous 14
Anson, C
Backhus, J
Basso, R
Bell, G
Benoit, L
Birkholm, S
Bourland, P
Brochard, B
Brown, J
Burnham, W
Carswell, B
Carta, C
CC
Coglizer, D
Cosby, L
Crumpton, C
Evans, J
Ferrari, D
Fett, E
Festa, J
Fraser, T
Friedrich, J
Gearhart, S
Giannini, D
Giese, B
Gimbert, J
Gorman, M
Grady, K
Hollingsworth, T
La Mar, R
Leff, A
Meakin, J
Meakin, L
Mullarkey, R
Parrish, V
Perryman, R
Qualls, P
Rago, T
Scheichler, L
Silver, F
Silver, M
Stakenburg, J
Strachan, L
Threlfall, W
Tompkins, N
Tornese, J
Toschi, S
Truscott, A
Walker, R
Warmack, J
Winters, J