

**ATTACHMENT G:**  
**Adopting Resolution for Rules of Procedure Amendments**

TAHOE REGIONAL PLANNING AGENCY  
TRPA RESOLUTION NO. 2018 –

RESOLUTION OF THE GOVERNING BOARD OF THE TAHOE REGIONAL PLANNING  
AGENCY TO ADOPT AMENDMENTS TO ARTICLE 10.8.5 OF THE TRPA RULES  
OF PROCEDURE REGARDING SHORELINE FEES

WHEREAS, the Tahoe Regional Planning Compact (P. L. 96-551, 94 Stat. 3233, 1980) created the Tahoe Regional Planning Agency (TRPA) and empowered it to set forth environmental threshold carrying capacities (“threshold standards”) for the Tahoe Region; and

WHEREAS, the Compact directs TRPA to adopt and enforce a Regional Plan that, as implemented through agency ordinances, rules and regulations, will achieve and maintain such threshold standards while providing opportunities for orderly growth and development consistent with such thresholds; and

WHEREAS, TRPA adopted Rules of Procedure to govern its affairs, including Rule 10.8.5 regarding the assessment of mitigation fees; and

WHEREAS, The Lake Tahoe Shoreline Plan amends the TRPA Code of Ordinance provisions that regulate the development of shoreline structures; and

WHEREAS, The Lake Tahoe Shoreline Implementation Program identifies programs necessary to avoid certain environmental impacts, and the Shoreline Plan Environmental Impact Statement (EIS) identifies potentially significant impacts from the addition of shoreline structures and increase in boating that would result from implementation of the plan and identified program elements necessary to mitigate these impacts; and

WHEREAS, TRPA made the necessary findings to adopt the amendments to 10.8.5 of the Rules of Procedure as required by Article V of the Compact, Chapter 4 of the Code, and all other applicable rules and regulations; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tahoe Regional Planning Agency hereby amends TRPA Rules of Procedure Rule 10.8.5 as shown in Exhibit 1 hereto in order to implement the Shoreline Implementation Program and Shoreline Plan EIS.

PASSED and ADOPTED by the Governing Board of the Tahoe Regional Planning Agency this \_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote:

Ayes:  
Nays:  
Absent:

\_\_\_\_\_

James Lawrence, Chair  
Tahoe Regional Planning Agency  
Governing Board

**EXHIBIT 1:**  
**Amendments to Rules of Procedure**

## ARTICLE 10: MISCELLANEOUS

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### 10.1 APPLICABILITY OF STATUTES

The applicable procedural provisions of the Compact are hereby made a part of these Rules and regulations of practice and procedure by reference as fully and to the same extent as if the same were fully set forth.

### 10.2 LIBERAL CONSTRUCTION

These Rules and regulations shall be liberally construed to secure just, speedy and economical determination of all matters before the Governing Board.

### 10.3 DEVIATION

In special cases, and for good cause not contrary to law, the Board may permit deviation from these Rules and regulations to the extent that strict compliance is determined to be impracticable or unnecessary.

### 10.4 INITIATION AND DEFENSE OF LEGAL ACTIONS

The Board of the Agency and, between its meetings, the chairman of the Agency may request legal counsel to initiate all necessary and proper legal actions and to defend legal actions, as may be required on behalf of the Agency.

### 10.5 SERVICE ON THE AGENCY

- 10.5.1 Summons may be served on the Agency by delivering a copy of the summons and complaint to the chairman or the executive officer. No other member, employee, agent, or other person is authorized to accept service on behalf of the Agency, except the chairman or executive officer may authorize legal counsel to accept same in individual cases.
- 10.5.2 Whenever the chairman or the executive officer is served, he shall immediately notify legal counsel of the service. If service is upon the executive officer, he shall also immediately notify the chairman.

### 10.6 PREPARATION ON THE ADMINISTRATIVE RECORD

- 10.6.1 If a legal action is filed against the Agency in relation to an Agency action, judicial review will be based on the administrative record for the Agency action. The administrative record will include all of the documents considered by the Agency in rendering its decision and may consist of some or all of the documents included in the project file, if applicable (see Section **Error! Reference source not found.** of the Rules). The administrative record may also include, but is not limited to, the following additional items:
- A. Correspondence related to the Agency action.
  - B. Additional documents or reports relating to the Agency action.

- C. Document referenced in any relevant environmental documentation.
- D. Tape recording and/or minutes from all relevant public meetings.

10.6.2. Any Agency cost related to preparation of the administrative record, including but not limited to the use of resources or staff time to gather documents, organize and create and index to the administrative record, conduct a privilege review of the administrative record, shall be borne by the plaintiff(s) in the legal action.

## **10.7 FEES FOR SERVICES**

10.7.1 Whenever the Agency performs services for members of the public, other than applicants or other public agencies, by providing or mailing copies of documents, the Agency shall collect a reasonable charge for the purpose of recovering costs to the Agency.

10.7.2 The chairman or executive officer shall set, or cause to be set, the service charges for handling, copying and mailing.

## **10.8 FEES FOR REVIEWS**

### **10.8.1 Basic Fees**

Fee schedules for project review and preparation of environmental documents shall be set by resolution of the Body.

### **10.8.2 Consultant Fees**

Under applicable circumstances, in addition to the application filing fee, a fee shall be charged that is equal to the fee estimated by the consultant selected by the Agency pursuant to Section **Error! Reference source not found.**

### **10.8.3 Exception**

Whenever, in the opinion of the chairman or executive officer, the basic fee or the consultant fee does not reasonably reflect the actual cost to the Agency of analyzing or preparing required environmental documents, the chairman or executive officer may increase the basic fee or the consultant fee by an amount not exceeding 50 percent of the amount indicated.

### **10.8.4 Calculation of Fees**

Project review fees shall be in accordance with the adopted schedule unless, in the discretion of the Executive Director, the actual cost can be reasonably and accurately calculated and is significantly less than the fee schedule, in which case the actual cost shall be used.

### **10.8.5 Mitigation Fees**

#### **A. Air Quality Mitigation Fee**

1. TRPA shall assess an air quality mitigation fee according to the following schedule:
  - a. For new residential units - \$325.84/daily vehicle trip.
  - b. For new tourist accommodation units - \$325.84/daily vehicle trip.

- c. For new campground site or recreational vehicle site - \$325.84/daily vehicle trip.
  - d. For new commercial floor area - \$36.20/daily vehicle trip.
  - e. For all other development - \$36.20/daily vehicle trip.
2. TRPA shall review the fee schedules in this subsection i in light of the costs of needed improvements and the funds available to support those improvements and recommend adjustments to the fee schedules as appropriate.
  3. Refund: Air quality mitigation fees may be refunded, under certain conditions, in accordance with these Rules.

**B. Rental Car Mitigation Fee**

Beginning January 1, 2002, the rental car mitigation fee shall be \$4.75 for EACH DAY of the rental transaction. The mitigation fee shall be separately stated in the rental agreement covering the transaction. Drop-off of the rental car outside the Tahoe region shall not be cause for exemption from payment of the fee. The mitigation fee shall be adjusted annually consistent with the annual change in the Consumer Price Index for the San Francisco region, rounded to the nearest quarter-dollar. Any adjustment to the fee shall be reviewed and approved by the Tahoe Transportation District.

**C. Excess Land Coverage Mitigation Fee**

The excess land coverage fee shall be calculated according to the schedule below:

EXCESS LAND COVERAGE MITIGATION FEE	
Hydrologic Transfer Area	Fee Per Sq. Ft.
Area 1 – Incline	\$20.00
Area 2 – Marlette	\$12.00
Area 3 – Cave Rock	\$25.00
Area 4 – South Stateline (Nevada side)	\$15.00
Area 4 – South Stateline (California side)	\$8.50
Area 5 – Upper Truckee	\$8.50
Area 6 – Emerald Bay	\$8.50
Area 7 – McKinney Bay	\$8.50
Area 8 – Tahoe City	\$8.50
Area 9 – Agate Bay (California side)	\$8.50
Area 9 – Agate Bay (Nevada side)	\$18.00

**D. Water Quality Mitigation Fee**

The current fee of \$1.54 per square foot shall be increased to \$1.86 per square foot.

## 1. Mitigation Fee Credit

If a project approval expires and the project is not complete, then a water quality mitigation fee credit may be given for a subsequent similar project approval. This subsection shall not be construed to require a refund of a water quality mitigation fee. Credit shall be given if the following requirements are met:

- a. The prior project approval was granted within the same project area as the project approval for which a credit is sought;
- b. The applicant provides sufficient evidence of the payment of a water quality mitigation fee or implementation of a TRPA approved water quality mitigation project; and
- c. A water quality mitigation fee or project is required as part of the project approval for which a credit is sought.

## 2. Mitigation Fee Refunds

Water quality mitigation fees may be refunded, under certain conditions, in accordance with TRPA's Rules of Procedure.

### E. Shorezone Fees

1. Mooring Fee. The owner of every mooring on, or with access to, Lake Tahoe shall pay a fee to TRPA of \$43 per year.
2. Buoy Scenic Mitigation Fee. All buoys shall be assessed a scenic mitigation fee of \$47 per year.
3. Motorized Boat Rental Concession Fee. Concessionaires shall pay the following fees to TRPA annually for every motorized boat subject to rental:
  - a. For every boat with an EPA 3-Star or better rating: \$75 per year;
  - b. For every boat with an EPA 2-Star or worse rating: \$150 per year.
4. New Construction and Expansions.
  - a. Piers. New pier construction and the expansion of the existing piers shall be assessed mitigation fees as follows:
    - i. New pier - \$60 per linear foot
    - ii. Additional length to an existing pier - \$60 per lineal foot
    - iii. Other additions - \$600 per application
  - b. Boat Ramps. Boat ramp construction and the expansion of existing boat ramps shall be assessed mitigation fees as follows:
    - i. New boat ramp - \$60 per lineal foot
    - ii. Additional length to an existing ramp - \$60 per lineal foot
    - iii. Additional width to an existing ramp - \$200 per lineal foot



c. Marinas. Marina construction and the expansion of existing marinas shall be assessed mitigation fees as follows:

- i. New boat slip - \$200 per slip
- ii. New mooring buoy - \$200 per buoy
- iii. Other additions - \$500 per application

**10.8.6 Monitoring Fees**

**Allocation Monitoring Fees**

The allocation monitoring fee shall be \$100 per allocation issued by a local jurisdiction.