



OFFICE  
128 Market St.  
Stateline, NV

Phone: (775) 588-4547  
Fax: (775) 588-4527

MAIL  
PO Box 5310  
Stateline, NV 89449-5310

trpa@trpa.org  
www.trpa.org

HOURS  
Mon. Wed. Thurs. Fri  
9 am-12 pm/1 pm-4 pm  
Closed Tuesday

New Applications Until 3:00 pm

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## *TRANSFER OF SCENIC CREDIT APPLICATION INFORMATION PACKET AND CHECKLIST*

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### **All applications are subject to an Information Technologies (IT) surcharge**

#### **Introduction**

This packet explains the TRPA process to transfer scenic credit in Lake Tahoe's shorezone. The TRPA uses the best available science and planning practices to review each project individually so that Lake Tahoe can continue to be an Outstanding National Resource Water for this and future generations. TRPA's thorough project review standards are designed to balance the impacts of the built environment with the protection of Lake Tahoe's fragile, natural environment. The Agency values every project applicant and works hard to serve the public promptly and fairly. Please read this packet thoroughly. We hope it answers most of your application questions. If not, please call TRPA at (775) 588-4547. Planners are available to assist you by phone or at our offices Monday through Friday, 9:00 a.m. to 5:00 p.m. Applications are received from 9:00 a.m. to 4:00 p.m.

Please be aware that we may require information beyond that presented in this packet. Once your application is submitted, TRPA will contact you if additional information is required to adequately review your project.

#### **Getting Started**

Scenic quality is one of the Lake Tahoe Basin's most important resources. The Tahoe Regional Planning Compact requires TRPA to ensure the preservation and enhancement of existing scenic resources. To meet this requirement, TRPA adopted a Regional Plan which established environmental thresholds for identified resources such as scenic quality. Each scenic resource area is evaluated every five years to measure if the scenic threshold has been attained. Lake Tahoe's shorezone is segmented into scenic shoreline units, some of which are in attainment, some of which are not and some of which are noted to be moving in one direction or the other. TRPA has set policies and adopted ordinances to achieve the scenic threshold. The current attainment status of each shoreline unit is available on the [Scenic Resources](#) page of the TRPA website or at the TRPA office.

If a proposed project, such as a house addition or new pier, is visible from a resource that is "in attainment," the project must demonstrate no degradation to scenic quality within the shoreline unit. If the resource is "in non-attainment" it must demonstrate an improvement to scenic quality within the unit.

To protect the scenic attributes of the Shorezone, pier additions, modifications and expansions are required to meet minimum design standards as established by the TRPA. As a tool for reaching these standards, the TRPA has developed a system for the transfer of verified or banked visible mass in the form of Scenic Credit from one parcel to another parcel. This system will allow developers to mitigate visible mass from additional structures that would normally have a visible impact to Shorezone attributes.

The term "verified" signifies that the visible mass on a lakefront parcel (usually the sending parcel) has been evaluated and recognized by the TRPA through a Baseline Scenic Assessment application. The scenic assessment process is outlined in [Section 30.15B](#) of the TRPA Code of Ordinances. The term "banked" signifies that a certain amount of visible mass, measured in square feet, has been removed and resides on a parcel's record at TRPA as Scenic Credit. The transfer of Scenic Credit may be used to offset additional visible mass only for projects in the same scenic unit. For additional information on Scenic Credit, refer to the TRPA [Scenic Verification and Banking Application Packet](#).

#### **Where to Find Scenic Credit**

Scenic credit can only be transferred within the same scenic shoreline unit. You can see a map of TRPA scenic units on the [Scenic Resources](#) page of the TRPA website and by visiting our office. While most transferrable development rights at Lake Tahoe are managed partially through local land banks, in the case of scenic credit, there are no official banks at this time. Public agencies with holdings in your scenic shoreline unit may have scenic credit banked or may be interested in doing so. Private parties may also have banked scenic credit available for transfer. Options for contacting private parties include an advertisement in the local newspaper or contacting real estate offices and planning consultant firms.

## Prior to Application Submittal

Prior to submitting your project application you will need the following items:

- ✓ Baseline Scenic Assessment for the Receiving and/or Sending parcels. The scenic assessment will document the baseline conditions prior to any project or application, which will aid in determining the amount of mitigation needed for scenic impacts. The result of the Assessment application will be a numerical score for the parcel or project area. See the [Baseline Scenic Assessment Application Packet](#) for more information.
- ✓ Verify Existing Visible Mass on the Sending Parcel. Only visible mass that has been officially verified or banked on the sending parcel is eligible for transfer. The TRPA [Scenic Verification and Banking Application Packet](#) contains additional information. You may also contact TRPA for information on how to verify existing visible mass.
- ✓ Check the requirements for transfers of existing development. Depending on specific scenic findings required by [Section 30.12B](#) of the TRPA Code of Ordinances, restrictions on transfer of scenic credit may apply. In some jurisdictions, existing residential development, which includes banked scenic credit, cannot be transferred to any parcel with an IPES score below 726, regardless of the buildable IPES score within the local jurisdiction. Refer to TRPA Code of Ordinances [Section 34.4B](#) for more information on IPES parcels.
- ✓ Acquire the Latest Grant Deed for Receiving and Sending Parcel. Submit the most recent grant deed for both the sending and receiving parcel. The Grant Deed must contain the legal description, book, page, document number and date recorded with the County Recorder's office.
- ✓ Acquire a Lot Book Guarantee or a Preliminary Title Report for sending parcel. Submit a Lot Book Guarantee or a Preliminary Title Report that was issued within thirty days of the date that you submit the application.
- ✓ Notify Lienholders. Transferring development from a parcel can reduce the value of the parcel and parties with a financial interest should be notified of the pending transfer. As a condition of final permit acknowledgement, the applicant accepts full responsibility for notifying any lender, firm, or individual who holds interest in the sending parcel of the transfer and subsequent deed restriction.
- ✓ Complete the appropriate forms. The Project Review application form must be completed along with the forms in this packet, and all checklist items provided. For additional information about checklist items, refer to the TRPA *Master Checklist Reference* document.
- ✓ Obtain the required signatures. The property owners for both the sending and receiving parcels must sign the application and, if applicable, complete and sign the Authorization For Representation. Forms without an original signature from the property owners will not be accepted. **Faxed signatures and xerox copies will not be accepted.**

## **Complete Application**

TRPA staff will review an application for completeness within 30 days from the date of submittal. If additional items are needed or checklist items are lacking, a notice will be sent to you and/or your representative indicating what additional information is needed to provide a complete application. If the application is determined to be complete, a notice will be sent to you or your representative. Once complete, your application is now ready to be reviewed by TRPA staff for conformance with TRPA rules and regulations. A complete application notice is NOT a conceptual approval of your application, nor is it a determination that the information submitted for review is accurate or approvable. Please note if the application for the project on the receiving parcel is incomplete, the transfer application will also be considered incomplete. TRPA cannot and will not hold incomplete projects for an indefinite period of time.

## **Request for Additional Information**

Once review has begun on your project, additional information may still be required. TRPA staff attempts to identify all information needed to review a project at the "complete application" stage, however, some items cannot be identified until the review of the project has commenced. If additional information is required, you and/or your representative will be notified of a timeline to provide the needed information will be indicated.

## **Project Review**

The amount of time to process an individual application depends on the complexity of the project and the number of applications submitted to TRPA or the local jurisdiction for review. The time of year you submit your application can also influence the processing time. The summer building season is very hectic and tends to lengthen the processing time for an individual application. During winter, the presence of snow on the ground may limit TRPA's ability to evaluate the site if necessary. You are strongly encouraged to submit your application(s) well in advance of the building season. Ideally, submit your application the winter prior to the year in which you wish to build.

## **Conditional Permit**

A conditional permit is an approval of your transfer subject to specific conditions. The conditional permit is based on the application and plans submitted to TRPA for review. The conditional permit is valid for three years. Within the three year time period, you must demonstrate that all the conditions of approval have been met, pay any required mitigation fees, provide a project security to TRPA, if required, and acknowledge the permit.

## **Final Permit Acknowledgment**

Once all the conditions of the permit have been met, TRPA will provide the final acknowledgment of the permit and stamp the submitted plans. This will now serve as recognition of scenic credit being transferred.

## **Project Security**

A project security will be collected by the reviewing jurisdiction. Securities are required to ensure compliance with specific conditions of project approval. A security can be posted in several ways: a certificate of deposit, a hold on a personal savings account, a letter of credit, an assignment of personal savings account, a bond (only if security is estimated over \$10,000), or cash. A non-refundable security administrative fee is required for all securities. Refer to Attachment J in the TRPA *Master Checklist/Design Criteria and Guidelines* document for additional information.

## **Timeline for Appeals**

If an applicant wishes to appeal a final decision by TRPA, pursuant to Rule 11.2 of the TRPA Rules of Procedure, a Notice of Appeal form and filing fee must be submitted within twenty-one (21) days from the date TRPA issues its final decision (date on correspondence). After 21 days, no appeals can be made and the Agency's decision is final.

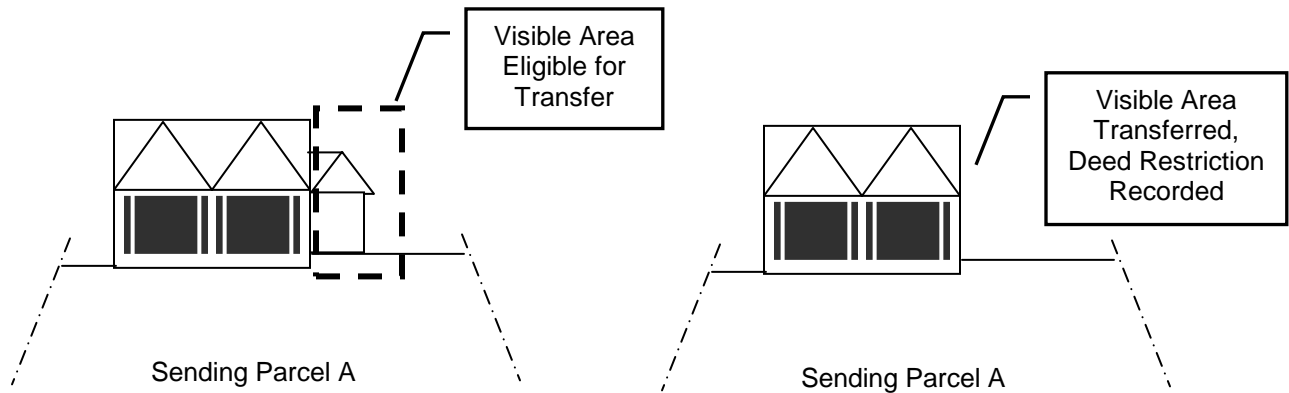
## *TRANSFER OF SCENIC CREDIT REQUIRED FINDINGS*

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Include an attached Written Statement and rationale for making each finding applicable to the project proposal. Refer to the TRPA *Master Findings Document* available at our offices or online at [www.trpa.org](http://www.trpa.org). Click on “Permits & Documents” and look for the *Master Findings Document* under “Other Documents.” Refer to the *Master Findings Document* to complete this portion of the application.

<b>Applicability</b>	<b>Code Section</b>
<b><i>Findings Necessary to Approve a Project</i></b>	6.3.A
<b><i>Special Uses</i></b>	18.1.B
<b><i>Scenic Quality Review in the Shoreland</i></b>	30.15.A
<b><i>Transfer of Existing Development</i></b>	34.4.B (1-9)
Please note: In El Dorado County, Placer County, and the City of South Lake Tahoe, existing residential development shall not be transferred to a parcel with an IPES score below 726.	34.4.B(10)
<b><i>Visible Mass Offset</i></b>	54.6.D

**SENDING PARCEL EXAMPLE**



Once visible area has been transferred, the permittee shall record a TRPA-approved deed restriction against the sending parcel demonstrating that the visible mass has been removed and shall not be transferred back without TRPA approval. Evidence of document recording shall be provided to TRPA prior to acknowledgement of this Transfer application.



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## *TRANSFER OF SCENIC CREDIT APPLICATION*

**Description of Transfer by Assessor's Parcel Number (APN)**

From (Sending APN) \_\_\_\_\_ To (Receiving APN) \_\_\_\_\_

If more than one parcel is receiving, please list in comment section

**Amount of visible mass to be transferred:** \_\_\_\_\_

**Shoreline Unit No.** \_\_\_\_\_ **Status:**  Attainment  Non-attainment

**Sending Parcel Owner** \_\_\_\_\_

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

Zip Code \_\_\_\_\_ Email \_\_\_\_\_ Phone \_\_\_\_\_

**Receiving Parcel Owner** \_\_\_\_\_

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

Zip Code \_\_\_\_\_ Email \_\_\_\_\_ Phone \_\_\_\_\_

**Representative or Agent**  None \_\_\_\_\_

Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

Zip Code \_\_\_\_\_ Email \_\_\_\_\_ Phone \_\_\_\_\_

**Property Restrictions/Easements**

List any deed restrictions, long term scenic and/or vegetation monitoring requirements, view shed easements, landscape setbacks or other restrictions):  None

Sending Parcel: \_\_\_\_\_

Receiving Parcel: \_\_\_\_\_

\_\_\_\_\_ (applicant initial here): I hereby declare under penalty of perjury that all property restrictions and easements have been fully disclosed.

**Prior Approvals** (List any prior CTRPA/TRPA approvals/permits for the subject property):  None

Sending Parcel:  
Description: \_\_\_\_\_ TRPA File No: \_\_\_\_\_ Date: \_\_\_\_\_

Description: \_\_\_\_\_ TRPA File No: \_\_\_\_\_ Date: \_\_\_\_\_

Receiving Parcel:  
Description: \_\_\_\_\_ TRPA File No: \_\_\_\_\_ Date: \_\_\_\_\_

Description: \_\_\_\_\_ TRPA File No: \_\_\_\_\_ Date: \_\_\_\_\_

**Sending Parcel Location/Assessor's Parcel Number (APN)** \_\_\_\_\_  
Street Address \_\_\_\_\_ Subdivision \_\_\_\_\_ Lot # \_\_\_\_\_  
County \_\_\_\_\_

Existing Use \_\_\_\_\_ Proposed Use \_\_\_\_\_

**Is sending parcel free of nuisance and hazard (i.e. foundations, excavations, spoil piles)?**  Yes  No

**Does sending parcel have a completed Baseline Scenic Assessment?**  Yes  No  
(If no, please describe in comment section)

**Existing Verified or Banked Visible Mass:** \_\_\_\_\_

Sending Parcel Total Existing Square Footage of Lakefront Façade: \_\_\_\_\_

Sending Parcel Baseline Scenic Score: \_\_\_\_\_ Total Allowable Visible Square Footage: \_\_\_\_\_

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**Receiving Parcel Location/Assessor's Parcel Number (APN)** \_\_\_\_\_  
Street Address \_\_\_\_\_ Subdivision \_\_\_\_\_ Lot # \_\_\_\_\_  
County \_\_\_\_\_

Existing Use \_\_\_\_\_ Proposed Use \_\_\_\_\_

**Does the Receiving parcel meet basic service requirements?:** 1) served by paved roadway; 2) adequate water rights and water supply system; 3) sewer service; and 4) electrical service?  
 Yes  No (If no, please describe in comment section.)

**Does receiving parcel have a completed Baseline Scenic Assessment?**  Yes  No

**Existing Verified or Banked Visible Mass on site:** \_\_\_\_\_

Receiving Parcel Total Existing Square Footage of Lakefront Façade: \_\_\_\_\_

Receiving Parcel Baseline Scenic Score: \_\_\_\_\_

Total Allowable Visible Square Footage: \_\_\_\_\_

Has the Receiving parcel applied for a project which will utilize the transferred visible mass proposed in this application?

Yes Where submitted: \_\_\_\_\_ Date submitted: \_\_\_\_\_

**Note:** A photocopy of a date-stamped application or other form of written evidence must be submitted with this application.

No **Note:** TRPA will not accept transfer of scenic credit applications until an application to utilize the transfer is made on the Receiving Parcel.



**DECLARATION:**

I hereby declare under penalty of perjury that this application and all information submitted as part of this application is true and accurate to the best of my knowledge. I am the owner of the subject property, or have been authorized in writing by the owner(s) of the subject property to represent this application, and I have obtained authorization to submit this application from any other necessary parties holding an interest in the subject property. I understand it is my obligation to obtain such authorization, and I further understand that TRPA accepts no responsibility for informing these parties or obtaining their authorization. I understand that should any information or representation submitted in connection with this application be inaccurate, erroneous, or incomplete, TRPA may rescind any approval or take other appropriate action. I hereby authorize TRPA to access the property for the purpose of site visits. I understand that additional information may be required by TRPA to review this project. (Edited 7/10)

I understand that I am responsible for all fees set forth in the TRPA Filing Fee Schedule, including cost recovery, filing fees and deposit accounts associated with this application.

Signature: **(Original signature required.)**

\_\_\_\_\_ At \_\_\_\_\_ Date: \_\_\_\_\_  
Person Preparing Application County

**AUTHORIZATION FOR REPRESENTATION (Original signatures required):**

The following person(s) own the subject property (Assessor's Parcel Number(s) \_\_\_\_\_) or have sufficient interest therein to make application to TRPA:

Print Owner(s) Name(s):

\_\_\_\_\_  
\_\_\_\_\_

I/We authorize \_\_\_\_\_ to act as my/our representative in connection with this application to TRPA for the subject property and agree to be bound by said representative. I understand that additional information may be required by TRPA beyond that submitted by my representative to review this project. Any cancellation of this authorization shall not be effective until receipt of written notification of same by TRPA. I also understand that should any information or representation submitted in connection with this application be incorrect or untrue, TRPA may rescind any approval or take other appropriate action. I further accept that if this project is approved, I, as the permittee, will be held responsible for any and all permit conditions.

Owner(s) Signature(s): **(Original signature required.)**

\_\_\_\_\_ Date: \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_ Date: \_\_\_\_\_

**FOR OFFICE USE ONLY**

Date Received: \_\_\_\_\_ By: \_\_\_\_\_

Initial Filing Fee: \$ \_\_\_\_\_ Receipt No: \_\_\_\_\_  
(Per the TRPA Filing Fee Schedule; Additional costs/fees may apply)

Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# TRANSFER OF SCENIC CREDIT APPLICATION CHECKLIST

APPLICATIONS LACKING ANY OF THE FOLLOWING ITEMS WILL NOT BE ACCEPTED. TRPA OR YOUR LOCAL JURISDICTION MAY REQUIRE ADDITIONAL INFORMATION ABOVE AND BEYOND THE CHECKLIST ITEMS TO REVIEW THIS APPLICATION.

Each item and number corresponds to TRPA's [Master Checklist](#) available at our offices or online at [www.trpa.org](http://www.trpa.org). Refer to the *Master Checklist* for more information on any item.

PROJECT NAME: \_\_\_\_\_

SENDING PARCEL ASSESSOR'S NUMBER (APN): \_\_\_\_\_

Applicant TRPA

- \_\_\_\_\_ 1. Complete Application with original signed authorization and checklist.
- \_\_\_\_\_ 2. Application Fee: Please refer to the [TRPA Filing Fee Schedule](#) available at TRPA offices or online at [www.trpa.org](http://www.trpa.org)  
Filing Fee: \$ \_\_\_\_\_ + Information Technology (IT) surcharge: \$ \_\_\_\_\_ = \$ \_\_\_\_\_
- \_\_\_\_\_ 3. Proof of a completed Baseline Scenic Assessment with verified score and total allowable visible mass for the sending and the receiving parcel(s) or banked visible mass on site.
- \_\_\_\_\_ 4. Separate submittal of an application for Verification and Banking of Scenic Credit for both the sending and receiving parcels, if appropriate.
- \_\_\_\_\_ 5. Initial Environmental Checklist.
- \_\_\_\_\_ 6. Copy of the latest recorded grant deed for both the sending parcel and receiving parcel, including legal description, owner name, book page, document number and date recorded with county.
- \_\_\_\_\_ 7. Evidence that a project for development on the receiving parcel which requires the transfer of visible mass has been submitted to TRPA.
- \_\_\_\_\_ 8. If demolition on the sending parcel is required to remove visible mass, evidence that a qualified exempt declaration for demolition the sending parcel has been submitted to TRPA.
- \_\_\_\_\_ 8. Restoration Plan on sending parcel for demolition of existing visible mass proposed for transfer.
- \_\_\_\_\_ 43. Lot Book Guarantee or Preliminary Title Report for the sending parcel, issued within 30 days of the date of transfer application submittal to TRPA.