

Chapter 20

LAND COVERAGE STANDARDS

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20.0 Purpose: This chapter sets forth regulations for the permissible amount of land coverage in the Region. It implements provisions of the Goals and Policies concerning the land capability system, land capability districts, prohibition of additional land coverage in certain land capability districts, and transfer and mitigation of land coverage.

20.1 Applicability: All land coverage shall be regulated pursuant to the provisions of this chapter.

20.2 Land Capability System: The land coverage limitations set forth in this chapter are based on the land capability system established in the report entitled, Land Capability Classifications of the Lake Tahoe Basin, Bailey, R. G., 1974.

20.2.A Implementation Of Land Capability System: The land capability system is implemented through land capability districts depicted on land capability overlay maps referred to in Subsection 20.2.B. The accuracy of the land capability districts is subject to field verification pursuant to Subsection 20.2.C. A land capability challenge pursuant to Subsection 20.2.D may be initiated to reclassify lands inaccurately mapped. The land capability overlay maps may also be amended by an amendment of the Regional Plan pursuant to Subsection 20.2.E or by demonstration pursuant to Subsection 20.2.F that the land has been man-modified.

20.2.B Establishment Of Districts: The land capability districts and the geomorphic groups established by the report referred to in Section 20.2 are made part of this ordinance. For purposes of this land capability system, stream environment zones, as defined in Chapter 2, are treated as Land Capability District 1b. The boundaries of each land capability district are established as depicted on the TRPA Land Capability Overlays, (January, 1987), as amended, at 1" equals 400' and 1" equals 2000' scale. Subject to the provisions of Subsections 20.2.C, 20.2.D,

[§] Amended 08/27/2008

20.2.E and 20.2.F, all land is classified as to land capability in accordance with the land capability districts depicted on the overlays.

20.2.C Field Verification: Field verifications shall be conducted and regulated as follows:

- (1) Classifications Subject To Field Verification: Land capability classifications established pursuant to Subsection 20.2.B are subject to field verification by TRPA.
- (2) Procedure For Site Visit: At the request, or with the permission, of the owner, TRPA shall inspect the pertinent parcel.
- (3) Report: Upon completion of the inspection, TRPA shall prepare a report setting forth the observed slopes of the parcel, the field-located boundary of any stream environment zone thereon and any other information pertinent to the proper land capability classification of the parcel.
- (4) Results Of Field Verification: As a result of the report prescribed by Subparagraph 20.2.C(3), TRPA may take one or more of the following actions:
 - (a) Verify that the parcel is accurately classified pursuant to Subsection 20.2.B.
 - (b) Make a minor boundary line adjustment of land capability districts within the parcel.
 - (c) Determine the boundary of a stream environment zone within the parcel, whether previously mapped or not.
 - (d) Reclassify all or part of the parcel to a different land capability district, if the reclassification can be based solely upon percentage of slope.
 - (e) Determine that the land capability district cannot be verified, in which event TRPA shall complete a land capability challenge pursuant to Subsection 20.2.D prior to the approval of any project on the parcel.
- (5) Supersession Of Actions Under Subparagraph 20.2.C(4): Any of the actions authorized by Subparagraph 20.2.C(4) may be superseded by an action pursuant to Subsections 20.2.D, 20.2.E, or 20.2.F. Any action by TRPA pursuant to Subparagraph 20.2.C(4) shall not commit, or be construed as committing, TRPA to approve any project on the pertinent parcel.

- (6) Procedure After Verification: Once TRPA has completed its action under Subparagraph 20.2.C(4), it shall:
 - (a) Give written notification to the owner of the parcel of the action taken;
 - (b) Include the information set forth in the report prepared pursuant to Subparagraph 20.2.C(3) and the action pursuant to Subparagraph 20.2.C(4) in TRPA's data base for purposes of Chapter 38;
 - (c) Recognize the action pursuant to Subparagraph 20.2.C(4) as superseding the TRPA Land Capability Overlays with respect to the pertinent parcel; and
 - (d) Affix a symbol to the land capability overlays denoting the action pursuant to Subparagraph 20.2.C(4) as applicable to the pertinent parcel.
- (7) Special Procedure for TRPA Designated Land Banks: TRPA-designated land banks may perform field verifications on parcels owned by the land bank. Field verifications shall be performed by qualified personnel pursuant to the requirements of this Subsection. A report pursuant to Subparagraph (3) above shall be submitted to TRPA with a recommendation for action pursuant to Subparagraph (4). TRPA shall take the proper action and complete the verification process as set forth in Subparagraph (6).

20.2.D Land Capability Challenge: In the event TRPA or the owner of a parcel is of the opinion it is not properly classified pursuant to Subsection 20.2.B, either may initiate a land capability challenge with respect to such parcel. The person or entity initiating the challenge shall bear the cost thereof. For parcels one acre or less in size, the cost to be charged an owner initiating the challenge shall not exceed an amount prescribed by resolution of the Governing Board.

- (1) Team Of Experts: A team of experts retained by TRPA shall evaluate the land capability challenge. Depending on the nature of the challenge, the team may include, but need not be limited to, a geomorphologist, soil scientist, geologist and hydrologist, selected by TRPA. Such persons shall be recognized as possessing special qualifications to evaluate soils, land forms, hydrology and other characteristics of land in the Tahoe Region. TRPA shall consider data provided by experts retained by the owner, and TRPA's team of experts shall comment on the accuracy of the owner's data. No expert retained by the owner shall be a member of TRPA's team.

- (2) Land Capability Report: TRPA's team of experts shall prepare a land capability report analyzing the land capability challenge. The report shall include:
 - (a) A description of the parcel;
 - (b) Identification of the soil series, geomorphic unit, slopes and any SEZ found on the parcel;
 - (c) A soil profile description of the site, based on a test pit, auger hole or cut bank;
 - (d) A contour map prepared by a registered surveyor or engineer on sites with complex topography if necessary to determine land capability; and
 - (e) A recommendation and map of the proper land capability for the parcel.
- (3) Review And Approval Of Report: The Executive Director shall review the land capability report and, if it recommends no change in land capability, may deny the land capability challenge, subject to an appeal to the Governing Board. If the report recommends a change in land capability, the change shall be approved or denied by the Governing Board. The challenge may be approved if the Governing Board finds that the pertinent land, due to natural characteristics specifically identified, properly belongs in a land capability district other than that in which it is presently classified.
- (4) Notification Procedure: An appeal of the Executive Director's denial of a land capability challenge and the action by the Governing Board upon a report recommending a change in land capability shall be pursuant to notification to affected property owners in accordance with TRPA's Rules of Procedure.
- (5) Procedure After Action On Land Capability Challenge: Once TRPA has completed its action on the land capability challenge, it shall follow the procedure set forth in Subparagraph 20.2.C(6) as though it applied to a land capability challenge pursuant to Subsection 20.2.D, including, but not limited to, the report prepared for and action on the challenge.
- (6) Special Procedure for TRPA Designated Land Banks: TRPA-designated land banks may initiate a land capability challenge on any parcel owned by the land bank. A team of experts pursuant to Subparagraph (1) above, accepted by TRPA and the land bank, may be retained by the land bank. The team shall prepare a report pursuant to subparagraph (2) above. The TRPA Executive Director shall review the land capability report and approve or deny the proposed change in land capability. Upon completion of its action, TRPA shall follow the procedure set forth in Subparagraph (5).

20.2.E Amendment Of Land Capability Overlays By Amendment Of The Regional Plan: The TRPA Land Capability Overlays may be amended through an amendment of the Regional Plan in the manner set forth in Subsection 20.2.E. The amendment may be initiated by TRPA.

- (1) Minimum Area Of Land: An amendment of the Regional Plan pursuant to Subsection 20.2.E shall be limited to an area of land five or more acres in size.
- (2) Team Of Experts: An amendment of the Regional Plan pursuant to Subsection 20.2.E shall be evaluated by the team of experts referred to in Subparagraph 20.2.D(1) under the conditions set forth in that Subparagraph.
- (3) Land Capability Report: The team of experts shall prepare a land capability report analyzing the proposed plan amendment. The report shall contain information concerning the environmental and use capacity of the pertinent land, as well as detailed information concerning topography, soils capabilities and limitations, surface and ground water conditions, geomorphology, vegetation characteristics and related environmental factors pertinent to the land.
- (4) Amendment: An amendment of the Regional Plan pursuant to Subsection 20.2.E shall be processed, both procedurally and substantively, in the manner of amendment to the Regional Plan generally. The amendment may be approved if TRPA finds that the pertinent land, due to natural characteristics specifically identified, properly belongs in a land capability district other than that in which it is presently classified.
- (5) Other Matters Considered Plan Amendments: The following actions are considered amendments to the Regional Plan pursuant to Subsection 20.2.E, and applications therefor shall be processed accordingly:
 - (a) Line Adjustments: Area wide adjustments of land capability district boundaries, other than minor adjustments pursuant to Subsections 20.2.C or 20.2.D, which line adjustments, while not creating new land capability districts, may substantially affect permitted land coverages and apply to more than one parcel; and
 - (b) Creation Of New Land Capability Districts Or Geomorphic Units: Creation of a new land capability district on the Land Capability Overlays, which new district shall be five contiguous acres or more in area, or creation of a new geomorphic unit, which new unit shall be one square mile or more in area, unless smaller, more precise mapping units are adopted by TRPA, in which event the smaller units may be used.

- (6) Procedure After Amendment: Once TRPA has completed its action on an amendment to the Regional Plan pursuant to Subsection 20.2.E, it shall follow the procedure set forth in Subparagraph 20.2.C(6) as though it applied to an amendment to the Regional Plan pursuant to Subsection 20.2.E, including, but not limited to, the report prepared for and action on the amendment.

20.2.F Amendment Of Land Capability Overlays For Man-Modified Areas: The TRPA Land Capability Overlays may be amended for man-modified areas through an amendment of the Regional Plan in the manner set forth in this Subsection. The amendment may be initiated by TRPA or the owner of the pertinent land, provided there is sufficient information demonstrating a reasonable possibility the requirements of this Subsection can be met.

- (1) Team Of Experts: An amendment of the Regional Plan pursuant to this Subparagraph shall be evaluated by the team of experts referred to in Subparagraph 20.2.D(1) under the conditions set forth in that Subparagraph.
- (2) Man-Modified Report: The team of experts shall prepare a man-modified report analyzing the proposed plan amendment. The report shall contain information showing that the land in question was modified by man's placement of fill, dredging or grading, in so substantial a fashion as to generally exhibit the characteristics of a land capability district other than the one depicted for said land on the TRPA Land Capability Overlays. In addition to the foregoing information, the man modified report shall contain the following concerning the pertinent land:
 - (a) A statement of geomorphic characteristics;
 - (b) An analysis of surface and subsurface hydrology;
 - (c) A statement of physical and chemical soil characteristics;
 - (d) An analysis of erosion hazard;
 - (e) An analysis of vegetation;
 - (f) A statement identifying the land capability characteristics resulting from the modification and an opinion by the team identifying the land capability district generally exhibiting those characteristics; and
 - (g) Additional information reasonably required by TRPA to properly assess the merits of the application.
- (3) Action on Amendment: An amendment of the Regional Plan pursuant to Subsection 20.2.F shall be processed, both procedurally and substantively, in the manner of amendments to the Regional Plan generally. The amendment may be approved if TRPA finds that:

- (a) The land was modified prior to February 10, 1972;
 - (b) Further development will not exacerbate the problems resulting from the modification of the land and will not adversely impact sensitive lands adjacent to or nearby the man-modified area;
 - (c) The land no longer exhibits the characteristics of land bearing the same, original land capability classification;
 - (d) Restoration of the land is infeasible because of factors such as the cost thereof, a more positive cost-benefit ratio would be achieved by offsite restoration, onsite restoration would cause environmental harm, restoration onsite would interfere with an existing legal use, and the land is not identified for restoration by any TRPA program;
 - (e) Further development can be mitigated offsite; and
 - (f) Mitigation to offset the losses caused by modification of the land and pertinent land capability district, shall be as follows:
 - (i) Onsite and offsite mitigation;
 - (ii) Pursuant to a maintenance program, including schedule of maintenance, proposed by the owner and approved by TRPA; and
 - (iii) Collection of a security, if deemed necessary by TRPA, to guarantee mitigation.
- (4) Effect Of Approval: If the amendment is approved, the land coverage limitations of the land capability district, whose characteristics are exhibited by the pertinent land, shall apply to the land.
- (5) Conditions Upon Amendment: Approval of an amendment of the Regional Plan pursuant to Subsection 20.2.F may be granted subject to reasonable conditions in addition to those otherwise referred to in such Subsection.
- (6) Procedure After Amendment: Once TRPA has completed its action on an amendment to the Regional Plan pursuant to Subsection 20.2.F, it shall follow the procedure set forth in Subparagraph 20.2.C(6) as though it applied to an amendment to the Regional Plan pursuant to Subsection 20.2.F, including, but not limited to, the report prepared for and action on the amendment.

20.3 Land Coverage Limitations: No person shall create land coverage in excess of the limitations set forth in this chapter. The means to determine base land coverage, the manner to transfer land coverage and prohibitions of certain land coverage are set forth in this Section.

20.3.A Base Land Coverage Requirements: The allowable base land coverage ("base coverage") shall be determined by using the coefficients set forth in the report entitled, Land Capability Classifications of the Lake Tahoe Basin, Bailey, R. G. 1974. These coefficients are:

Lands Located in Land Capability District*	Base Coverage
1a, 1b, 1c	1%
2	1%
3	5%
4	20%
5	25%
6, 7	30%

* Lands located in Geomorphic Group I are classified land capability district 1 and are permitted one percent coverage.

- (1) General Rule: Except as provided in subparagraphs 20.3.A (2), (3) and (4), the coefficients shall be applied to the project area in accordance with Subsection 20.3.D.
- (2) Parcels In TRPA-Approved Subdivisions In Conformance With The Bailey Coefficients: In TRPA approved subdivisions where TRPA applied the coefficients on a subdivision-wide basis, and allowable coverages then were assigned to individual parcels, the assigned coverages shall be the base coverages for those parcels. The list of TRPA-approved subdivision in conformance with Bailey coefficients is Attachment D to the Goals and Policies.
- (3) Parcels In Existing Planned Unit Developments (PUDs) Not In Conformance With The Bailey Coefficients: To determine the allowable base coverage for parcels within an existing PUD, the coefficients shall be applied to the entire PUD. This total allowable coverage, minus existing the common area facilities coverage, shall be divided among the individual parcels in proportion to their respective sizes whether developed or not. Public rights-of-way shall not be included in the calculation. Accordingly, the method of calculation is as follows: first, the area of public rights of-way is not to be counted; second, allowable base coverage for the remaining area in the PUD is calculated; third, the amount of existing coverage of common areas is subtracted; fourth, the remaining coverage is divided among the individual parcels, in proportion to size. In no case shall parcels of individual ownership be assigned an allowable base coverage of less than zero.

Example of calculation:

PUD Example: Five acre PUD (not including public rights-of-way) with 10 individual 50 x 50 parcels located in Land Capability District 4. Existing common area improvements such as parking, tennis court, and recreation center = 30,000 square feet of land coverage

PUD size (217,800) x Coverage Coefficient (20%) = Allowable Base Coverage (43,560)

Allowable Base Coverage (43,560) - Existing Improvements (30,000) = Remaining Allowable Base Coverage (13,560)

Remaining Allowable Base Coverage (13,560) Number of Parcels (10) = Allowable Base Coverage Per Parcel (1,350)

- (4) Relationship To IPES: Except as set forth in (2) and (3) above, the Individual Parcel Evaluation System ("IPES") ratings shall be used to determine allowable coverage for single family houses subject to IPES pursuant to Chapter 37.

20.3.B Transferred Land Coverage Requirements: In addition to the base coverage prescribed by Subsection 20.3.A, land coverage may be transferred to a parcel pursuant to Subsection 20.3.C. Parcels and uses eligible for transfer of land coverage are set forth in this Subsection. The aggregate of base coverage and coverage transferred shall not exceed the limits set forth below:

- (1) Residential Facilities (1 to 4 Units): The maximum land coverage (base coverage plus transferred coverage) allowed on a parcel for residential facilities of four units or less is the coverage allowed pursuant to the coefficients in Subsection 20.3.A, or as follows, whichever is greater:

- (a) Maximum Parcel Coverages:

Project Area (Sq. Ft.)	Maximum Land Coverage
0 - 4,000	Base Land Coverage Only
4,001 - 9,000	1,800 sq. ft.
9,001 - 14,000	20% of Project Area
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 - 5,000	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.

- (b) Planned Unit Developments: For parcels in planned unit developments, the maximum coverage allowed shall be 100 percent of the proposed building envelope or 2,500 square feet, whichever is less. Parcels in PUDs with five or more units per parcel are considered multi-residential and regulated pursuant to Subparagraph 20.3.B(3).
 - (c) Special Transfer Programs: Parcels in subdivisions with TRPA-approved transfer programs may be permitted the coverage specified by that approval. The only subdivision with such a program, as of the effective date of the Regional Plan, is Cave Rock Estates, Unit No. 3. The Cave Rock Estates, Unit No. 3 transfer program is set forth in the TRPA March 23, 1978 approval of that subdivision.
 - (d) Driveways: The maximum limits in Subparagraph 20.3.B(1)(a) may be increased by a transfer of land coverage for a driveway built in accordance with the standards in Chapter 24, which is to be created in connection with the construction of a single family house on an existing parcel, provided TRPA finds that:
 - (i) The construction will not result in a residential structure with land coverage greater than that permitted in Subparagraph 20.3.B(1) minus 400 square feet; and
 - (ii) The single family house, as a direct result of the increased land coverage, will be located on the parcel at the site found by TRPA to cause the least harm to the natural environment through minimization of land alterations, grading, removal of vegetation and preservation of trees and other flora.
- (2) Commercial Facilities Within Community Plans: The maximum land coverage (base coverage plus transferred coverage) allowed on a parcel for commercial facilities located within community plans approved pursuant to Chapter 14 is as follows:
- (a) For parcels upon which there is no development legally existing as of the effective date of the Regional Plan, maximum land coverage is 70 percent of the project area, which area is located within land capability districts 4 through 7, inclusive; and
 - (b) For parcels upon which there legally exists development as of the effective date of the Regional Plan, maximum land coverage is 50 percent of the project area, which area is located within land capability districts 4 through 7, inclusive.

- (3) Tourist Accommodation Facilities Multi-Residential Facilities (Five Or More Units), Public Service Facilities, And Recreation Facilities Within Community Plans: 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 is limited to 50 percent of the project area, provided the parcel is located within a community plan approved pursuant to Chapter 14. Such land coverage may be used only on the project area located within land capability districts 4 through 7, inclusive, referred to in Subsection 20.3.A. Subdivisions into parcels of 4 or less residential units shall not be eligible for the maximum 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.^{§§}
- (4) Linear Public Facilities And Public Health And Safety Facilities: The maximum land coverage (base coverage plus transferred coverage) for linear public facilities and public health and safety facilities is limited to the minimum amount needed to achieve their public purpose. Such transfer may be permitted, provided TRPA makes the following findings:
- (a) The project is on the list of additional public service facilities if required pursuant to Section 33.5;
 - (b) There is no feasible alternative that would reduce land coverage;
 - (c) The project, because of its unusual configuration or service requirement, requires special consideration; and
 - (d) The facility primarily serves the needs of persons other than those who are, or will be, residents of the lands in question, or the owners of the land in question.
- (5) Highways, Streets and Roads: Transfer of land coverage for highways, streets and roads may be permitted, provided TRPA, in addition to the findings in paragraph (4) above, makes the following findings:
- (a) The highway, street, or road is required to provide access to property other than that owned by the applicant; and

[§] Amended 06/27/99

^{§§} Amended 7/23/2008

- (b) The highway, street, or road will be constructed or maintained by a public agency, or is required to be so constructed or maintained by the terms and in accordance with the boundaries of a lawfully created easement recorded prior to February 10, 1972, or is required or approved by TRPA for a project approved after the effective date of the Regional Plan.
- (6) Other Public Service Facilities Outside Community Plans: The maximum land coverage (base coverage plus transferred coverage) for other public service facilities located outside of an approved community plan is 50 percent of the project area. Transfer of land coverage for public service facilities located outside a community plan is limited to projects for which TRPA has made the following findings:
- (a) The project is on the list of additional public service facilities if required pursuant to Section 33.5;
 - (b) There is no feasible alternative that would reduce land coverage; and
 - (c) There is a demonstrated need and requirement to locate the facility outside a community plan.
- (7) Facilities For Public Safety And Access Of The Handicapped: Transfer of land coverage may be permitted for the addition of facilities for access of handicapped persons and for compliance with public safety laws, to facilities legally existing on the effective date of the Regional Plan. The maximum land coverage (base coverage plus transferred coverage) shall be the minimum amount required to provide access to handicapped persons occupying a residence or as required by local, state or federal law.
- (8) Water Quality Control Facilities: Transfer of land coverage for water quality control facilities, such as erosion control projects, habitat restoration projects, wetland rehabilitation projects, stream environment zone restoration projects and similar projects, programs and facilities, may be permitted the minimum amount of land coverage needed to achieve their purpose provided there is not reasonable alternative, including relocation, which avoids or reduces the land coverage.

20.3.C Manner Of Transferring Land Coverage: Land coverage may be transferred to eligible parcels for eligible uses, in accordance with the percentage limitations, as set forth in Subsection 20.3.B, 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 38.8, to provide land coverage for transfer purposes.

- (1) 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:
 - (a) General: Except for transfers relating to commercial uses within approved community plans, the transfer of one square foot of land coverage to a receiving parcel requires the retirement of one square foot of land coverage on the sending parcel (1:1 transfer ratio).
 - (b) Commercial Uses Within Approved Community Plans: Receiving parcels within approved community plans, upon which there exist commercial facilities, shall be eligible to receive transferred land coverage at the ratio prescribed by Subparagraph 20.3.C(1)(a), up to the maximum 50 percent land coverage prescribed by Subparagraph 20.3.B(2)(b). Undeveloped receiving parcels within approved community plans, eligible for the maximum 70 percent land coverage prescribed by Subparagraph 20.3.B.2(a), shall be eligible to receive transferred land coverage at the ratio prescribed by Subparagraph 20.3.C(1)(a), 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 shall be transferred at the ratio set forth in the following chart:

Percent of Final Coverage	Transfer Ratio
51	1.05:1
52	1.1:1
53	1.15:1
54	1.2:1
55	1.25:1
56	1.3:1
57	1.35:1
58	1.4:1
59	1.45:1
60	1.5:1
61	1.55:1
62	1.6:1
63	1.65:1
64	1.7:1
65	1.75:1
66	1.8:1
67	1.9:1
68	1.95:1
70	2:1

Transfer Example:

Five Acre Parcel = 217,800 sq. ft.

Allowable Base Coverage = 30% = 65,340 sq. ft.

Proposed Project Coverage = 60% = 130,680 sq. ft.

Transfer Requirement

0 to 30% - None	=	0
30 to 50% - 1:1	=	43,560 sq. ft.
50 to 60% - 1.5:1	=	32,670 sq. ft.

Total Coverage to be Transferred 76,230 sq. ft.

- (2) 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:
- (a) Hard Coverage: Hard land coverage may be transferred in all cases.

- (b) Soft Coverage:[§] Soft land coverage may be transferred in all cases, except for transfers relating to commercial or tourist accommodation uses or facilities. Exceptions listed below are pursuant to making the findings specified in Subparagraph 20.3.C (6)
- (i) Soft coverage may be used for transfers for services, light industrial and wholesale/storage uses to commercial parcels within the South Y Industrial Tract Community Plan within the Upper Truckee River Hydrologic Transfer Area, in accordance with Subsection 20.3.C.
- (c) Base Coverage: Unused allowable base land coverage referred to in Subsection 20.3.A may be transferred in all cases, except for transfers relating to commercial 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 20.3.C(6)
- (d) Coverage For Single Family House: 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.
- (e) Coverage for Water Quality Control Facilities: Land coverage transferred for water quality control facilities pursuant to Subsection 20.3.B(8) shall be in accordance with (a) through (c) above, or shall be mitigated through restoration in accordance with Subsection 20.4.C, in the amount of 1.5 times the area of land covered or disturbed for the project beyond that permitted by the coefficients in Subsection 20.3.A.
- (3) Sending Parcels Classified As Sensitive Lands: If land coverage is transferred from a sending parcel, or a portion thereof, 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 20.3.C(7) below, and may not be returned to the sending parcel.

[§] Amended 4/23/03

- (4) Sending Parcels Classified As Non-Sensitive Lands: If land coverage is transferred from a sending parcel, or a portion thereof, 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 coverage transferred shall be retired as set forth in Sub paragraph 20.3.C(7) below, but the land coverage may be returned to the sending parcel subject to the limitations of Subsections 20.3.A and 20.3.B.
- (5) 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.
- (6) 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 actions; 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:
- (a) Existing soft coverage as described in the definition of "land coverage."
 - (b) Unused base coverage, referred to in the Goals and Policies as "potential coverage."
 - (c) Through redefinition of the boundaries of the hydrologically related area to increase the supply of coverage.
- (7) Restoration And Retirement Of Land Coverage: Land coverage shall be restored and retired pursuant to Section 34.5 and the following:
- (a) Transfers: TRPA shall ensure that land coverage transferred pursuant to Subsection 20.3.C shall be retired permanently pursuant to the following requirements:
 - (i) 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;

- (ii) 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
 - (iii) For parcels in private ownership, deed restrictions, or other covenants running with the land, permanently assuring the accomplishment of the requirements of Subparagraphs 20.3.C(7)(a)(i) and (ii) shall be recorded by the owner. TRPA shall obtain binding assurance from a public agency that the requirements of Subparagraphs 20.3.C(7)(a)(i) and (ii) are permanently met.
- (b) 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 20.3.C(7)(a)(i) and (ii), to assure credit for the removed coverage in accordance with Chapter 38.
- (8) Land Bank: Land coverage transfers and land coverage retirement programs may use a land bank pursuant to Chapter 38.

20.3.D Method Of Calculation Of Land Coverage: Land coverage requirements shall be implemented by application of the percentage coverage figures set forth in Subsections 20.3.A and 20.3.B to the area of the project. Determination of the project area and the method of applying the percentage coverage figures to the project area are set forth in this Subsection.

- (1) Determination Of The Project Area: The project area shall be calculated as follows:
- (a) Boundaries Or Area Of Land Involved:
 - (i) For a project on a single parcel, the area of the project is the area of the parcel.
 - (ii) For a project on or comprising two or more contiguous parcels, the project area is the total combined square footage of the parcels, provided the parcels are permanently consolidated. If the parcels are not permanently consolidated, the owner shall record against the parcels a deed restriction, or other covenant running with the land, permanently assuring that the land coverage calculations for the parcels shall always be made as if the parcels had been legally consolidated.

- (iii) Where the proposed activity or project, for which land coverage is to be calculated, is a use accessory to an existing primary use located on or comprising one or more adjacent parcels, the project area for the accessory use is the total combined square footage of all of said parcels, owned or controlled by the same person, provided the parcels are permanently consolidated. If the parcels are not permanently consolidated, the owner shall record against the parcels a deed restriction, or other covenant running with the land, permanently assuring that the coverage calculations for the parcels shall always be made as if the parcels had been legally consolidated.
 - (iv) For a project on a single parcel in excess of 20 acres, or on an area of land not consisting of a parcel, TRPA shall determine the project area based upon the following factors, among others, appropriate for this purpose: the area impacted by or the sphere of influence of the project; the area to be actually used for the project; whether the project is located in one or more hydrologically related areas; and the extent of land coverage and land disturbance for the project.
 - (v) For a project on noncontiguous parcels pursuant to Chapter 15 or 31, the project area of two or more noncontiguous parcels shall consist of the total combined square footage of the parcels, provided the owner(s) of the parcels record against the parcels a deed restriction, or other covenant running with the land, permanently assuring that the coverage and density calculations for the parcels shall always be determined as if the parcels had been legally consolidated.[§]
- (b) Land Not Included In The Project Area: The project area shall not include lands lake ward of the high-water lines of bodies of water, such as lakes and ponds, lands under lying covered surfaces associated with existing linear public facilities, highway, streets, and roads, referred to in Subsection 20.3.B, and easements or rights-of-way allowing potential land coverage for linear public facilities, high ways, streets, and roads. Land coverage associated with existing linear public facilities, highway, streets and roads shall not be considered in the calculation of land coverage, except as pertinent to the review by TRPA of the facilities, highway, streets or roads, or as required pursuant to Subsection 20.3.D(2)(c).

[§] Amended 3/26/03

- (c) Separate Calculation For The Area Within Each Land Capability District: With the exception of land coverage for IPES pursuant to Chapter 37, land coverage shall be calculated by reference to the square footage area of each, separate land capability district located within the project area, applying the applicable percentage coverage figures set forth in Subsections 20.3.A and 20.3.B to the square footage within each respective land capability district.

- (2) Application of Percentage Coverage Figures To The Project Area: The percentage coverage figures shall be applied to the project area as follows:
 - (a) Base Coverage: The amount of base land coverage shall be calculated by applying the percentage coverage figures set forth in Subsection 20.3.A to the project area determined pursuant to Subsection 20.3.D(1). Base land coverage placed upon the portions of the project area within Land Capability Districts 1 through 3, inclusive, shall not exceed, as to each such portion, the maximum amount of land coverage determined by applying the corresponding percentage coverage figure to the area of each such portion. With respect to an area of the project containing land within Land Capability Districts 4 through 7, inclusive, the following rules apply:
 - (i) For a parcel or other project area up to and including one-third (1/3) of an acre, base coverages attributable to all land capability districts on the parcel may be aggregated and the resulting total coverage placed at any location on the parcel lying within Land Capability Districts 4 through 7, inclusive, but not within Land Capability Districts 1 through 3, inclusive.
 - (ii) For a parcel or other area of the project over one-third (1/3) of an acre, base coverages attributable to land within Land Capability Districts 4 through 7, inclusive, may be placed upon the pertinent land, up to the maximum amount of land coverage determined by applying the corresponding percentage coverage figure. Aggregate base coverages attributable to portions of the parcel or other project area within Land Capability Districts 1 through 3, inclusive, also may be placed at any location on the parcel or such other area lying within Land Capability Districts 4 through 7, inclusive. No coverage shall be placed on any land within Land Capability Districts 1 through 3, inclusive, except as provided in Subsection 20.3.A.

(iii) As an alternative to Subparagraph 20.3.D(2)(a)(ii), the percentage coverage figure corresponding to the lowest land capability district number of Land Capability Districts 4 through 7, inclusive, that exists on the parcel or other project area, may be applied to the total area encompassed by Land Capability Districts 4 through 7, inclusive, to determine the amount of coverage, to which amount may be added the aggregate of base coverages attributable to portions of the parcel or other project area within Land Capability Districts 1 through 3, inclusive. No coverage shall be placed on any land within Land Capability Districts 1 through 3, inclusive, except as provided in Subsection 20.3.A.

(b) Transferred Coverage: In the event additional coverage is permitted by transfer of land coverage pursuant to Subsection 20.3.B, the amount of total coverage shall be calculated by applying the percentage coverage figures set forth in Subsection 20.3.B to the project area determined pursuant to Subparagraph 20.3.D(1).

(c) Land Coverage In Right-Of-Way: Existing or proposed land coverage in a public street or highway right-of-way shall be attributable to the owner of the right-of-way. Proposed coverage in such right-of-way shall be pursuant to a transfer of land coverage based upon a ratio of one square foot of land coverage retired for each square foot of new coverage proposed. Transfer of such coverage shall be pursuant to the requirements of Subsection 20.3.C. The owner of the right-of way may arrange the transfer of land coverage with the person, if any, benefiting from the proposed land coverage in the right-of-way.

(3) Calculation Of Permissible Land Coverage Under IPES: Calculation of permissible land coverage for parcels subject to IPES shall be in accordance with Chapter 37.

(4) Overhang Allowance: For every three feet off of the ground surface, one foot of the horizontal overhang dimension shall be excluded from land coverage calculations. The remainder of the overhang shall be counted.

20.4 Prohibition Of Additional Land Coverage In Land Capability Districts 1a, 1c, 2 And 3 And 1b (Stream Environment Zones): No additional land coverage or other permanent land disturbance shall be permitted in Land Capability Districts 1a, 1c, 2, and 3 and Land Capability District 1b (stream environment zones) except as follows:

20.4.A Exceptions For Land Capability Districts 1a, 1c, 2 And 3 Prohibition: The following exceptions apply to the prohibition of land coverage and disturbance in Land Capability Districts 1a, 1c, 2 and 3:

- (1) IPES: Land coverage and disturbance for single family houses may be permitted in Land Capability Districts 1a, 1c, 2 and 3, when reviewed and approved pursuant to IPES in accordance with Chapter 37.
- (2) Public Outdoor Recreation Facilities: Land coverage and disturbance for public outdoor recreation facilities, which includes public recreation projects on public lands, private recreation projects through use of public lands, and private recreational projects on private lands that are depicted or provided for on a public agency's recreational plan, may be permitted in Land Capability Districts 1a, 1c, 2 and 3 if TRPA finds that:
 - (a) The project is a necessary part of a public agency's long-range plans for public outdoor recreation;
 - (b) The project is consistent with the Recreation Element of the Regional Plan;
 - (c) The project, by its very nature, must be sited in Land Capability Districts 1a, 1c, 2 or 3, such as a ski run or hiking trail; in accordance with the Guidelines Regarding Public Outdoor Recreation Facilities and Activities Which Create Additional Land Coverage or Permanent Disturbance and Which By Their Very Nature Need Not Be Sited in Sensitive Lands (1a, 1b, 1c, 2, 3, or SEZs), Water Quality Management Plan for the Lake Tahoe Region, Volume I, Table 16, dated November, 1988.
 - (d) There is no feasible alternative which avoids or reduces the extent of encroachment in Land Capability Districts 1a, 1c, 2 and 3; and
 - (e) The impacts of the coverage and disturbance are fully mitigated through means including, but not limited to, the following:
 - (i) Application of best management practices; and
 - (ii) Restoration, in accordance with Section 20.4.C, of land in Land Capability Districts 1a, 1c, 2 and 3 in the amount of 1.5 times the area of land in such districts covered or disturbed for the project beyond that permitted by the coefficients in Subsection 20.3.A.
- (3) Public Service Facilities: Land coverage and disturbance for public service facilities may be permitted in Land Capability Districts 1a, 2c, 2 and 3 if TRPA finds that:
 - (a) The project is necessary for public health, safety or environmental protection;

- (b) There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in Land Capability Districts 1a, 1c, 2 and 3; and
 - (c) The impacts of the coverage and disturbance are fully mitigated in the manner prescribed by Subparagraph 20.4.A(2)(e).
- (4) Water Quality Control Facilities: Land coverage and disturbance may be permitted in Land Capability Districts 1a, 1c, 2 and 3 for erosion control projects, habitat restoration projects, wetland rehabilitation projects, stream environment zone restoration projects, and similar projects, programs and facilities if TRPA finds that:
- (a) The project, program or facility is necessary for environmental protection; and
 - (b) There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in Land Capability Districts 1a, 1c, 2 and 3.
 - (c) Impacts are fully mitigated and, if applicable, transferred land coverage requirements pursuant to 20.3.C(2)(e) are met.
- (5) Tyrolian Village: Land coverage and disturbance for single family houses may be permitted in Land Capability Districts 1a, 1c, 2 and 3, when reviewed and approved in accordance with Chapter 36, on parcels in Tyrolian Village, Units #1 through 5, inclusive, for which complete applications were filed and accepted by TRPA pursuant to the "Agreement Between The Tyrolian Village, Inc. And The Tahoe Regional Planning Agency Regarding Erosion Control Improvements And Reclassification Of Upper Tyrolian Village" dated May 26, 1983."

20.4.B Exceptions For Land Capability District 1b (Stream Environment Zone):
The following exceptions apply to the prohibition of land coverage and disturbance in land capability district 1b (stream environment zone):

- (1) Stream Crossings: Land coverage and disturbance for projects to effect access across stream environment zones to otherwise buildable sites, if such projects otherwise comply with applicable development standards in Chapter 27, may be permitted in Land Capability District 1b (stream environment zones) if TRPA finds that:
 - (a) There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in the stream environment zone, or that encroachment is necessary to reach the building site recommended by IPES; and

- (b) The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in Subparagraph 20.4.A(2)(e), with the exception that the restoration requirement in such Subsection shall apply exclusively to stream environment zone lands and shall include coverage and disturbance within the permitted Bailey coefficients.
- (2) Public Outdoor Recreation: Land coverage and disturbance for public outdoor recreation facilities may be permitted in Land Capability District 1b (stream environment zones) if TRPA finds that:
- (a) The project is a necessary part of a public agency's long range plans for public outdoor recreation;
 - (b) The project is consistent with the Recreation Element of the Regional Plan;
 - (c) The project, by its very nature must be sited in a stream environment zone, such as bridges, stream crossings, ski run crossings, fishing trails, and boat launching facilities; in accordance with the Guidelines Regarding Public Outdoor Recreation Facilities and Activities Which Create Additional Land Coverage or Permanent Disturbance and Which By Their Very Nature Need Not Be Sited in Sensitive Lands (1a, 1b, 1c, 2, 3 or SEZs), Water Quality Management Plan for the Lake Tahoe Region, Volume I, Table 16, dated November, 1988.
 - (c) There is no feasible alternative which would avoid or reduce the extent of encroachment in the stream environment zone; and
 - (e) The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in Subparagraph 20.4.A(2)(e), with the exception that the restoration requirement in such Subsection shall apply exclusively to stream environment zone lands and shall include coverage and disturbance within the permitted Bailey coefficients.
- (3) Public Service: Land coverage and disturbance for public service facilities may be permitted in Land Capability District 1b (stream environment zones) if TRPA finds that:
- (a) The project is necessary for public health, safety or environmental protection;
 - (b) There is no reasonable alternative, including a bridge span or relocation, which avoids or reduces the extent of encroachment in the stream environment zone; and

- (c) The impacts of the land coverage and disturbance are fully mitigated in the manner set forth in Subparagraph 20.4.A(2)(e), with the exception that the restoration requirement in such Subsection shall apply exclusively to stream environment zone lands and shall include coverage and disturbance within the permitted Bailey coefficients.
- (4) Water Quality Control Facilities: Land coverage and disturbance may be permitted in Land Capability District 1b (stream environment zones) for erosion control projects, habitat restoration projects, wetland rehabilitation projects, stream environment zone restoration projects and similar projects, programs and facilities if TRPA finds that:
 - (a) The project, program, or facility is necessary for environmental protection;
 - (b) There is no reasonable alternative, including relocation, which avoids or reduces the extent of encroachment in the stream environment zone; and
 - (c) Impacts are fully mitigated and, if applicable, transferred land coverage requirements pursuant to 20.3.C(2)(e) are met.
- (5) Vegetation: Indigenous vegetation shall not be removed or damaged in Land Capability District 1b (SEZ) unless otherwise authorized under TRPA permit pursuant to Subsections 20.4.B, 20.5.C, 55.6, 71.4, 74.2, or 79.2, or Chapters 72 or 73. Species used for revegetation or landscaping shall be species appropriate for the stream environment zone type (e.g. meadow, marsh).

20.4.C Restoration Requirements: The following requirements apply to restoration:

- (1) The restoration requirements of Subparagraphs 20.3.C(2)(e) and 20.4.A(2)(e), may be accomplished onsite or offsite by the applicant or another agency approved by TRPA. Such restoration requirements shall be in lieu of any land coverage transfer requirement or water quality mitigation fee pursuant to Chapter 82.
- (2) Only land which has been disturbed or consists of hard coverage or soft coverage shall be eligible for credit for restoration. Restoration plans shall require restoration to cause the area to function in a natural state with provisions for permanent protection from further disturbance. Lands disturbed by the project and then restored are not eligible for credit. Permanent protection from further disturbance shall include, but not be limited to, recordation by the owner of deed restrictions, or other covenants running with the land, on a form approved by TRPA, against parcels in private ownership, permanently assuring the restoration requirements of

Subparagraphs 20.3.C(2)(e) or 20.4.A(2)(e), as applicable. TRPA shall obtain appropriate assurance from a public agency that the requirements of Subparagraph 20.3.C (2)(e) or 20.4.A(2)(e), as applicable are met.

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.

Excess Coverage (% sq. ft.) = Existing Coverage (% sq. ft.) - (Maximum coverage (% sq. ft.) + Transferred Coverage (% sq. ft.) + 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 therefrom 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: The required excess land coverage reduction mitigation shall be calculated as follows.[§]
- (a) Coverage Reduction Mitigation: 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 determining the reduction percentage from Table A above based on the amount of excess land coverage. The reduction percentage is then multiplied by the estimated coverage mitigation construction cost of the project and then divided by the mitigation factor of eight (8).
- Coverage Reduction (Sq. Ft.) = Fee Percentage x CM Construction Cost (\$)/ Mitigation Factor of 8.
- (b) Excess Coverage Mitigation Fee: The excess coverage mitigation fee shall be calculated by determining the amount of excess coverage (sq. ft.), in accordance with subparagraph (a), above. The coverage reduction square footage is then multiplied by the appropriate Mitigation Fee Coverage Cost Factor to determine the Excess Coverage Mitigation Fee. The Mitigation Fee 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

[§] Amended 5/23/01

acquire and restore land coverage under this program. The appraiser shall use the methodology established in the Uniform Standards of Appraisal Practice. In no case shall the total excess coverage mitigation fee be less than \$200. [§]The Excess Land Coverage Fee shall be as follows:

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

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

(d) Coverage Mitigation Construction Cost: Coverage Mitigation Construction Cost is defined a cost estimate prepared by a registered engineer, licensed architect (or other qualified professional acceptable to TRPA) of the cost to construct the bearing elements of a structure. This includes without limitation, pier pilings, bracing and supports, bearing walls, rafters, foundations and base materials under asphalt or concrete. Structural cost does 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.

[§] Amended 3/22/06

^{§§} Amended 01/24/07

TABLE A. EXCESS COVERAGE REDUCTION SQ. FT. FACTOR

Square Feet of Excess Coverage	Reduction % Factor
>400 or less	.06
>400 – 600	. 12
>600 - 1,000	. 25
>1,000 - 1,500	. 50
>1,500 - 2,000	. 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
>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

20.5.B Exemptions From The Land Coverage Mitigation Program: The following are exempt from the land coverage mitigation program:

- (1) Parcels With Mitigated Land Coverage: Parcels or project areas, which contain land coverage in excess of base land coverage prescribed by Sub section 20.3.A, which excess coverage has been fully mitigated pursuant to Subsection 20.5.A through transfer of land coverage pursuant to Subsection 20.3.C or by consolidation of adjoining parcels, shall not be subject to the land coverage mitigation program.
- (2) 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 4 shall not be subject to the land coverage mitigation program.

- (3) Work Not Requiring A Permit: An activity not requiring a permit pursuant to Chapter 4 shall not be subject to the land coverage mitigation program.
- (4) TRPA Requirements: Projects and modifications, required by TRPA, or portions thereof, directly related to attainment of the environmental thresholds, such as best management practices and stream environment zone restoration, shall not be subject to the 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 land coverage mitigation program:
 - (a) Installation of erosion control facilities.
 - (b) Restoration of disturbed areas.
 - (c) SEZ restoration.
 - (d) Underground storage tank removal, replacement or maintenance.
 - (e) Hazardous waste spill control or prevention facilities.
 - (f) Sewage pump-out facilities for RVs or boats.
- (5) Repair Of Linear Public Facilities: Repair of linear public facilities shall not be subject to the land coverage mitigation program.
- (6) Minor Utility Projects: Those activities which replace, repair, underground or interconnect existing utilities or extend local distribution, and which 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.

20.5.C Relocation Of Existing Land Coverage: Existing land coverage may be relocated on the same parcel or project area if TRPA finds that:

- (1) The relocation is to an equal or superior portion of the parcel or project area, as determined by reference to the following factors:
 - (a) Whether the area of relocation already has been disturbed;
 - (b) The slope of and natural vegetation on the area of relocation;
 - (c) The fragility of the soil on the area of relocation;
 - (d) Whether the area of relocation appropriately fits the scheme of use of the property;

- (e) The relocation does not further encroach into a stream environment zone, backshore, or the setbacks established in the Code for the protection of stream environment zones or backshore;
 - (f) The project otherwise complies with the land coverage mitigation program set forth in Section 20.5; and
- (2) The area from which the land coverage was removed for relocation is restored in accordance with Subsection 20.4.C.
 - (3) The relocation is not to Land Capability Districts 1a, 1b, 1c, 2 or 3, from any higher numbered land capability district.
 - (4) If the relocation is from one portion of a stream environment zone to another portion, there is a net environmental benefit to the stream environment zone. Net environmental benefit to a stream environment zone is defined as an improvement in the functioning of the stream environment zone and includes, but is not limited to:
 - (a) Relocation of coverage from a less disturbed area to a more disturbed area or to an area further away from the stream channel;
 - (b) Retirement of land coverage in the affected stream environment zone in the amount of 1.5:1 of the amount of land coverage being relocated within a stream environment zone; or
 - (c) For projects involving the relocation of more than 1000 square feet of land coverage within a stream environment zone, a finding, based on a report prepared by a qualified professional, that the relocation will improve the functioning of the stream environment zone and will not negatively affect the quality of existing habitats.

20.6 Land Coverage Requirements For Redevelopment Projects: Land coverage requirements for redevelopment projects shall be in accordance with Chapter 15.

20.7[§] Conversion of Turf Grass Coverage to Synthetic Turf Coverage for Public Athletic Fields: Turf grass public athletic fields may be converted to synthetic turf fields as follows:

20.7.A. Eligibility: TRPA shall find that the turf grass field meets all of the following criteria:

- (1) The turf grass field shall be composed of non-native turf grasses and receive regular fertilization and periodic irrigation.
- (2) At least 50 percent of the condition of the turf grass field shall be substantially compacted by repeated pedestrian traffic so as to reduce saturated hydraulic conductivity by 50 percent or more when compared to natural conditions for the same soil type.

[§] Amended 08/27/2008

20.7.B. Construction Standards: The synthetic turf field shall be constructed and maintained to meet all of the following standards:

- (1) The synthetic turf design shall include a subsurface drainage system that discharges to a water quality treatment area. The subsurface drainage system shall comply with groundwater interception regulations pursuant to Code Section 64.7 and shall not adversely affect water levels within a Stream Environment Zone.
- (2) The synthetic turf shall be limited to team playing fields and player staging areas only,
- (3) Synthetic turf components and fields shall not contain or utilize materials for construction or maintenance that could leach into the ground water, present a health hazard to people, or adversely affect flora or fauna.
- (4) The synthetic turf shall not receive runoff or overflow from adjacent lands, except under extraordinary circumstances, such as 20 year or greater storm events).

20.7.C. In-Lieu of Excess Coverage Mitigation and Water Quality Mitigation: In order to approve synthetic turf for public athletic turf fields, the coverage shall be mitigated either by:

- (1) Restoration of an equal area of highly compacted turf grass to native vegetation so as to achieve a saturated hydraulic conductivity of greater than 50 percent of natural conditions for the same soil type, or
- (2) Payment of a fee equal to five (5) percent of the structural cost of the synthetic turf construction as specified in Code subsection 20.5 (A)(3)(d). Except for the synthetic turf carpet, all other construction costs, including materials and labor, shall be included in the structural cost.

20.7.D Synthetic Turf Coverage Transfer or Conversion Limitations: Synthetic turf coverage is intended only for public athletic fields and shall not be transferred to a different parcel and cannot be converted to hard coverage.