MEMORANDUM

October 11, 2007

To: TRPA Hearings Officer

From: TRPA Staff

Subject: Frank Klotz Land Capability Challenge, 900 Snowshoe Rd. CA, Placer County APN: 083-032-05, TRPA File #LCAP2007-0147

Proposed Action: The applicant, Frank Klotz requests the TRPA Hearings Officer to review and approve the proposed Land Capability Challenge on the affected parcel.

Staff Recommendation: The staff recommends that the TRPA Hearings Officer approve the land capability challenge for this parcel changing the land capability from class 3 to class 4.

Background: The subject parcel is shown as land capability class 3 on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the TeE (Tallac very stony sandy loam, 15 to 30%) soil map unit. The TeE soil map unit is consistent with the E-1 (Moraine Land-undifferentiated, moderate hazard lands) geomorphic unit classification. The TeE soil formed from glacio-fluvial deposits derived from mixed basic and metamorphic sources.

A land capability verification was never completed on this parcel. A land capability challenge was filed to confirm the soil series and land capability for the parcel.

Findings: This parcel is located at 900 Snowshoe Rd. CA, Placer County, CA. The parcel is mapped within geomorphic unit E-1 (Moraine Land-undifferentiated, moderate hazard lands) on the TRPA Geomorphic Analysis Map of the Lake Tahoe Basin. The soils investigation was conducted by TRPA staff, and this report was prepared. Based on one soil pit and two auger samples, a representative soil profile was described (see Attachment A). After visiting the parcel, the soils on APN: 083-032-05 was determined to be consistent with land capability classes 4, in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974)

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

Attachments

10/11/07

AGENDA ITEM A
SOIL INVESTIGATION FOR
PLACER COUNTY APN: 083-032-05, 900 Snowshoe Rd. CA

INTRODUCTION
A soil investigation was conducted on APN: 083-032-05 in Placer County, on August 19, 2002. This parcel is located on 900 Snowshoe Rd. CA. A land capability verification was never conducted on this parcel.

A land capability challenge was filed with TRPA on June 25, 2007 to determine the appropriate land capability class for this parcel based on an on site soil investigation.

ENVIRONMENTAL SETTING
This parcel is shown as land capability class 3 on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the TeE (Tallac very stony sandy loam, 15 to 30%) soil map unit. The TeE soil map unit is consistent with the E-1 (Moraine land, undifferentiated) geomorphic unit classification. The Tallac soil formed glacial deposits derived from mixed basic and metamorphic sources. This parcel is on an east facing slope. The natural slope is 23 percent. The natural vegetation is comprised of an over-story of Jeffery pine and white fir with an understory of manzanita, ceonothus and bitterbrush.

PROCEDURES
One soil pit was dug and two auger samples were taken on this parcel. After examination of the pit and samples, the soil was described in detail as representative of the soils on the parcel. A copy of this description is included in this report. Slopes were measured with a clinometer.

FINDINGS
One unnamed soil was identified on this parcel. The soils on this parcel are generally deep and well drained. The soil is characterized as having a thin (<1") surface mantle of organic matter over a dark brown very gravelly sandy loam surface layer. A dark yellowish brown, very gravelly loamy coarse sand subsoil is present to a depth of greater than 55 inches. This soil is not similar to any series listed in the Soil Survey for the Lake Tahoe Basin. Under the Bailey Land Capability Classification system the most appropriate Land Capability classes would be 4, given the profile depth and slope range.

CONCLUSION
Based on the results of the site visit, the soil on APN: 083-032-05 were determined to be an unnamed soil with particular features which are associated with land capability classes 4, in accordance with Table 4 of the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974).

Tim Hagan, Senior Planner / Soil Scientist

10/11/07
TH
APN: 083-032-05

Representative Soil Profile:

Soil Classification (1999) Sandy-skeletal mixed, frigid Humic Dystroxerept
Soil Series: Unnamed
Hydrologic Group: B
Drainage: Well Drained

Oi 1 to 0 inches; Fir and Pine litter

A 0 to 8 inches; brown (10YR 4/3) gravelly sandy loam; dark yellowish brown (10YR 3/3) moist; moderate fine granular structure; soft, loose, nonsticky and nonplastic; many fine and medium roots, few coarse roots; many very fine and fine interstitial pores; 15 percent stones; 20 percent gravel, clear wavy boundary.

A2 8 to 14 inches; dark yellowish brown (10YR 4/4), gravelly sandy loam; dark yellowish brown (10YR 3/4) moist; moderate fine granular structure trending to moderate medium subangular blocky structure; soft, loose, nonsticky and nonplastic; many fine and medium and few coarse roots; many very fine and fine interstitial pores; 15 percent stones; 20 percent gravel, clear wavy boundary.

Bw1 14 to 38 inches; light yellowish brown (10YR 6/4) gravelly sandy loam; dark yellowish brown (10YR 4/4) moist; moderate medium subangular blocky structure; slightly hard, friable, nonsticky and nonplastic; common fine, medium and few coarse roots; many very fine and fine interstitial pores; 15 percent stones; 20 percent gravel; gradual wavy boundary.

Bw2 38 to 55 inches; pale brown (10YR 6/3) gravelly sandy loam; dark yellowish brown (10YR 4/4) moist; moderate medium subangular blocky structure; slightly hard, friable, nonsticky and nonplastic; few fine and common medium roots; many very fine and fine interstitial pores; 10 percent stones; 20 percent gravel.
MEMORANDUM

October 11, 2007

To: TRPA Hearings Officer

From: TRPA Staff

Subject: Kahle Park and Community Center Land Capability Challenge, 236 Kingsbury Grade, Stateline NV, Douglas County APN: 1318-23-401-005, TRPA File #LCAP2007-0098

Proposed Action: The applicant, Douglas County, requests the TRPA Hearings Officer to review and approve the proposed Land Capability Challenge on the affected parcel.

Staff Recommendation: The staff recommends that the TRPA Hearings Officer approve the land capability challenge for the parcel changing the land capability on a portion of the property from class 5 to class 6.

Background: The portion of the subject parcel under review was identified as land capability 5 on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places the portion of this parcel being challenged within the JeD (Jabu coarse sandy loam, shallow variant, 5-15 percent slopes) soil map unit. The JeD soil map unit is consistent with the E-2 (Outwash, till and Lake Deposits, low hazard lands) geomorphic unit classification. The Jabu soil is formed in deposits and alluvium derived from mixed granodioritic and andesitic sources.

A land capability verification was never conducted on this property. A land capability challenge was filed to confirm the soil series and land capability for the parcel.

Findings: This parcel is located at 236 Kingsbury Grade, Stateline NV. The parcel is mapped within geomorphic unit the E-2 (Outwash, Till and Lake Deposits, low hazard lands) on the TRPA Geomorphic Analysis Map of the Lake Tahoe Basin. The soil investigation was conducted by TRPA staff. Based on two soil pits and multiple auger samples, a representative soil profile was described (see Attachment A). After the visit to the parcel the soils on the challenged portion of APN: 1318-23-401-005 were determined to be consistent with land capability class 6, in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974).

If you have questions on this agenda item, please contact Tim Hagan, at 775-588-4547 (ext. 275).
SOIL INVESTIGATION FOR
PLACER COUNTY APN: 1318-23-401-005; 236 Kingsbury Grade, Stateline NV

INTRODUCTION
A soil investigation was conducted on APN: 1318-23-401-005 in Douglas County. This parcel is located at 236 Kingsbury Grade, Stateline NV.

A land capability challenge was filed with TRPA on May 23, 2007 to determine the appropriate land capability class for this parcel based on an onsite soil investigation.

ENVIRONMENTAL SETTING
The challenged portion of this parcel is identified as land capability class 5 on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the JeD (Jabu coarse sandy loam, shallow variant, 5-15 percent slopes) soil map unit. The JeD soil map unit is consistent with the E-2 (Outwash, Till and Lake Deposits, low hazard lands) geomorphic unit classification. The Jabu soils formed in deposits and alluvium derived from mixed granodioritic and andesitic sources. This parcel is on a gentle southeastern facing slope. The natural grades associated with this parcel range from 9 to 11 percent.

PROCEDURES
Two soil pits and multiple auger samples were completed on this parcel. After examination of the profile and samples, the soils were described in detail as representative of the soils on the parcel. A copy of this description is included in this report. Slopes were measured with a clinometer.

FINDINGS
An unnamed soil was identified on the challenged portion of this parcel. It is deep and excessively well drained. This soil is characterized as having a very thin (< 1") sparse surface mantle of organic matter over a dark brown gravelly sandy loam surface horizon. The subsoil is comprised of stratified yellowish brown very gravelly sand to a depth of greater than 60 inches. This soil is not analogous to the JeD soil map units listed in the Soil Survey for the Lake Tahoe Basin because of depth, different parent material and the absence of a fragipan in the subsoil. Therefore, the soils on APN: 1318-23-401-005 are divided into land capability classes 1a, 1b and 6, based on slope, as determined by Table 4 of the Bailey Land Capability Classification system.

CONCLUSION
Based on the results of the site visit, the soils on the challenged portion of APN: 1318-23-401-005 are determined not to be analogous with any named soil series listed in the Soil Survey of the Lake Tahoe Basin. Based on slope and previously described characteristics, the soil on this parcel would be partitioned into land capability classes 1a, 1b and 6, in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974).

Tim Hagan, Principal Planner/ Soil Scientist
Representative Soil Profile:

Soil Series: Unnamed
Soil Classification: Coarse-loamy, mixed, frigid, Ultic Haploxerals
Drainage Class: Deep, Well Drained
Hydrologic Group B

**Oi**  1 to 0 inches; Jeffrey pine and White fir needles and duff.

**A**  0 to 4 inches; brown (10YR 4/3) gravelly sandy loam, dark brown (10YR 3/3) moist; moderate fine granular structure; soft, very friable, nonsticky and nonplastic; many very fine and fine roots, few coarse roots; many very fine and fine interstitial pores; 15 percent gravel; clear smooth boundary.

**A2**  4 to 15 inches; yellowish brown (10 YR 5/4) gravelly sandy loam, yellowish brown (10YR 5/8) moist; massive; hard, friable, slightly sticky and slightly plastic; common fine, medium and coarse roots; many very fine and fine tubular pores; 15 percent gravel; clear wavy boundary.

**Bt**  15 to 28 inches; light yellowish brown (2.5Y 6/4) gravelly sandy loam, yellowish brown (10YR 5/8) moist; single grain; loose, very friable, nonsticky and nonplastic; common fine and medium roots; common fine medium interstitial pores; common thin clay films on ped faces and lining pores, 15 percent gravel; abrupt wavy boundary.

**C2**  28 to 40 inches; dark yellowish brown (10YR 4/4) very gravelly sand, dark yellowish brown (10YR 3/6) moist; massive; very hard, friable, nonsticky and nonplastic; common fine and medium roots; common fine medium interstitial pores; 15 percent gravel; abrupt wavy boundary.

**C3**  40 to 48 inches; dark yellowish brown (10YR 3/6) gravelly loamy coarse sand, olive yellow (2.5Y 6/8) moist; single grain; loose, very friable, nonsticky and nonplastic; common fine and medium roots; common fine medium interstitial pores; 15 percent gravel; abrupt wavy boundary.
MEMORANDUM

To: TRPA Hearings Officer
From: TRPA Staff
Date: October 11, 2007
Subject: 400 Tuscarora Road, LLC, New Single Family Residence, 400 Tuscarora Road, Crystal Bay, Washoe County, Assessor’s Parcel Number 123-142-07, TRPA File No. ERSP2007-0260

Proposed Action: Hearings Officer action on the proposed project and related findings based on this Staff Summary and the attached Draft Permit. The required actions and recommended conditions are outlined in Section I of this Staff Summary.

Staff Recommendation: Staff Recommends that the Hearings Officer make the required findings and approve the proposed project subject to the special conditions in the draft permit (attached).

Project Description: The applicant is proposing to construct a new 3-story, +/-3,244 square foot single family residence with attached two-car garage with an elevator. The residence to be located on the east side of Tuscarora Road, Washoe County will have a maximum height of 40 feet 0 inches with an approved excavation depth of 12 feet (TRPA File #STD20071611). The residence has been designed with the master bedroom with bath, two smaller bedrooms with bath, and laundry facilities on the first or lower level. The second or street level has been designed to accommodate two one car parking bays separated by the front entry/hallway and an elevator entrance located at the southwest corner of the structure. The upper or third floor has been designed to accommodate the living room, dining room, kitchen, library, and additional bath. The proposed project will result in a total of 1,314 square feet of onsite coverage made up of 1,041 square feet for the building footprint, 231 square feet for the driveway access and bridge, and 42 square feet for decks. The applicant will be required to transfer 1,100 square feet of coverage to the site to accommodate the building project. The project will also result in 144 square feet of offsite coverage.

Site Description: The proposed site is a 7,187 square foot (0.165 acres) parcel located within the boundaries of the Crystal Bay Plan Area Statement (PAS 34), Washoe County which identifies this area as a special use area for single-family residential use as the Plan Area is located within an Avalanche Hazard zone. The proposed site has a slope of +/- 38 percent which descends from a west to an east direction. The site is currently vacant except for a sparse number of pine and fir trees from 28 inches in diameter at breast height (dbh) and smaller. The site is currently accessed by traveling east off of the narrow +/- 24 foot wide Tuscarora Road travel lane. In January 1995 TRPA verified the site as having an IPES score of 609 with a base allowable coverage of 3% or 214 square feet for a lot size of 7,132 square feet.

Issues: The primary issues associated with the project are:

1. Avalanche Hazard Area: The proposed site is categorized as a special use area as the site is located within a plan area statement identified as a potential avalanche hazard zone. In 1993 an avalanche hazard study was prepared for Washoe County which
identified specific avalanche paths within the zone for the Washoe County portion of the Tahoe Basin. TRPA staff has reviewed this study which showed that the subject parcel was located outside of noted avalanche hazard areas. However, due to the special use status of the project site, as a result of being located in the avalanche zone, the applicant will be required to record a deed restriction that indemnifies and holds TRPA harmless if any property on this parcel is damaged or destroyed as a result of an avalanche as a condition of approval.

2. **Land Use.** The proposed building site is located within the Crystal Bay Plan Area (PAS 034), Washoe County. Within this plan area residential uses are a Special Use requiring Hearings Officer review per Chapter 4, Appendix A, of the TRPA Code. Special Use Findings are addressed in Staff Analysis Item H and Required Findings, below.

3. **Tree Removal:** The site is currently sparsely populated with trees between 10 – 54 inches in (dbh). From photographic evidence along with scenic composite drawing, the property when viewed from the lake; (300 feet offshore) appears to have some vegetative screening located on properties lakeward of the proposed site. It will be important to preserve all existing trees on the proposed site in order to provide adequate screening as a means of reducing future visual impacts from the project site.

4. **Land Coverage:** Assuming a parcel size of 7,187 square foot (0.165 acres) square feet, with an IPES score of 609 the base allowable land coverage for this site has been identified as three percent of the total site area or 214 square feet. In order to accommodate the building of the new project, coverage will need to be relocated onto site.

5. **Building Height:** The proposed project will consist of a new three-story residential structure located on a +/-37% slope. The resulting ridge line height will be 42 feet above natural grade. There is a possibility that the proposed project will be visible from Lake Tahoe at its proposed height. The applicant as a condition of approval will be required to demonstrate the proposed onsite building height through use of story poles and photographic documentation.

6. **Variance:** On September 11, 2007 the Washoe County Board of Adjustment’s approved a variance to reduce the front yard setback from 20 feet to 5 feet 6 inches to facilitate the construction of the proposed parking apron and residential structure. As a condition of approval of any TRPA permit the applicant will be required to adhere to all County and Fire District requirements including that of the variance approval.

**Staff Analysis:**

A. **Environmental Documentation:** The applicant has completed an Initial Environmental Checklist (IEC) to assess the potential impacts of the project. No significant environmental impacts were identified although staff has concluded that there will be some temporary impacts that when mitigated will have less than a significant effect on the environment. A copy of the completed IEC will be made available at the Hearings Officer hearing and at TRPA.

B. **Community Plan Area:** The proposed project site is located within the Crystal Bay Plan Area (PAS 034), Washoe County. The Land Use Classification is Residential and the Management Strategy is Mitigation. Residential Uses are a special use within this Plan
Area. Based on the findings contained in Section H along with the special permit conditions contained in the Conditional Permit, this project is consistent with the planning statement, planning considerations and special policies of the plan area statement.

C. Land Use: The proposed project is located in the Crystal Bay Plan Area (PAS 034), where residential uses are a Special Use requiring Hearings Officer review per Chapter 4, Appendix A, of the TRPA Code. Special Use Findings are addressed in the Required Findings, below.

D. Land Coverage: The property is +/- 7,187 square feet (0.165 acres) in area with an allowable base coverage of 214 square feet as determined by an IPES evaluation conducted in January 23, 1995; (see file). As such, the project requires an additional 1,100 square feet of coverage to be transferred to the site. The transfer of additional coverage is not a part of this permit, and will require separate TRPA application and approval prior to acknowledgement of this permit. The project as conditioned is consistent with Chapter 20 of the TRPA Code. The applicant is choosing to take advantage of the provisions in TRPA Code Section 20.3.B (1) which allows a maximum of 1,800 square feet of additional coverage to be transferred to the site for residential facilities of four units or less.

<table>
<thead>
<tr>
<th>IPES score</th>
<th>Project Area</th>
<th>Percent Allowable Coverage</th>
<th>Base Allowable Coverage</th>
<th>Existing on site Coverage</th>
<th>Proposed Coverage to be transferred</th>
<th>Total Proposed Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>609</td>
<td>7,132 sf</td>
<td>3%</td>
<td>214 sf</td>
<td>0 sf</td>
<td>1,100</td>
<td>1,314 sf</td>
</tr>
</tbody>
</table>

E. Building Height: The proposed project will consist of a new three-story residential structure located on a ‘building site’ slope of approximately 37%. The total height of the proposed residence will be 40 feet 0 inches measured from the low point of existing grade to the high point of the building’s ridgeline. The maximum allowable building height for this site is 40 feet 0 inches based on a roof pitch of 10:12 and a building site cross slope of 37%. Based on these measurements, the project is consistent with Chapter 22 of the TRPA Code. Total maximum proposed height for the proposed structures is as follows:

<table>
<thead>
<tr>
<th>Building</th>
<th>Roof Pitch</th>
<th>Building Cross Slope</th>
<th># of Stories</th>
<th>TRPA Code Max. Allowable Height</th>
<th>Proposed Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residence</td>
<td>10:12</td>
<td>37.0%</td>
<td>3</td>
<td>40 feet-0 inches</td>
<td>40 feet-0 inches</td>
</tr>
</tbody>
</table>

F. Scenic Quality: The proposed project is visible from Scenic Shoreline Unit #23, Crystal Bay. The score for the Scenic Shoreline unit dropped in 1991 primarily because of the introduction of increased visible mass, height, and color of private residences in the area resulting in the area being in non-attainment. At its proposed height, it is unclear whether the structure will be visible from the Lake. As such the applicant is required to demonstrate the proposed height of the proposed building structure using story poles or other appropriate method, 300 lakeward of high water. In the event the structure is visible from the lake, the applicant shall adhere to appropriate building design elements for color, texture, and reflectivity. The applicant will also be required to preserve all conifer trees on the lake side of the property as a scenic resource.

G. Tree Removal: The proposed site is currently sparsely populated with trees between 10 – 54 inches in (dbh) which will provide a small degree of visual screening for the project site. All
remaining trees and shrubs not targeted for removal as indicated on submitted plan drawings shall be considered as a scenic resource and shall not be removed or trimmed for view enhancement unless prior TRPA review and written approval has been obtained. As a condition of approval, should any of these trees not survive, especially the two 10 inch fir trees located near the proposed structures’ northwest corner, they shall be replaced with healthy specimens in substantially the same location at a ratio of three new trees for every one that does not survive. The new tree(s) shall be healthy specimens of the conifer variety with a minimum height of six feet from the TRPA approved vegetation list. The permittee shall submit a scenic vegetation monitoring plan and/or arborist report to assess the health of the existing (scenic resource trees) on the east or lakeside of the property to consist of annual photographs taken from the same identified vantage point for the next five years.

H. Required Findings: The following is a list of the required findings as set forth in Chapters 6, 18, 22, 64 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. Chapter 6 – Required Findings:

   (a) The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.

      i. Residential Use. Residential uses are a special use in this plan area statement. The proposed project a new residential structure is compatible with the surrounding residential land uses. With the special permit conditions, the project meets all TRPA codes and ordinances.

      ii. Land Coverage: To accommodate the new residence the applicant will transfer 1,100 square feet of coverage to the proposed site. The base allowable coverage for the proposed building site is three percent of the site or 214 square feet. Per TRPA Code of Ordinance 20.3.B(1) the maximum land coverage (base coverage plus transferred coverage) allowed to be transferred onto the site for residential facilities of four units or less is up to 1,800 square feet.

      iii. The site is currently vacant and therefore no excess coverage mitigation fee is needed.

      iv. Scenic Issues. During the course of this review potential scenic impacts from the Lake were evaluated. Visual information was submitted for purposes of evaluating the visual impact of the new project as seen from 300 feet lakeward of high water. The information indicates that there might be limited visual impact as seen from the lake provided that the two 10 inch fir trees (dbh) and the 14 and 24 inch pine trees identified on submitted plans remain in place. As such, a long term vegetation monitoring plan shall be initiated to monitor the health and effectiveness of these trees as visual screening for the project site. Therefore as a condition of approval the permittee will be required to submit a scenic vegetation monitoring plan for all (scenic resource vegetation) on the site. This monitoring plan shall include but not be limited
to an initial story pole visual assessment of the proposed building height as seen from 300 feet offshore of the high water mark. Further the applicant shall use reduced reflective glass of less than 11% on all upstairs windows facing the lake.

v. **Conservation:** The project, as conditioned, is consistent with the Conservation Element of the Regional Plan. The proposed colors and design are consistent with the TRPA Design Review Guidelines. The project area, which is located within Scenic Shoreline Unit #23, Crystal Bay, currently in nonattainment shall not introduce design elements which will degrade the scenic quality of this Shoreline Unit. There are no known special interest animal species or cultural resources within the project area.

(b) **The project will not cause the environmental threshold carrying capacities to be exceeded.**

The basis for this finding is provided on the checklist entitled "Project Review Conformance Checklist and Article V(g) Findings" in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Hearings Officer hearing and at TRPA.

(c) **Wherever federal, state or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TRPA Compact, the project meets or exceeds such standards.**

(Refer to paragraph b, above.)

2. **Chapter 18 - Special Use Findings:**

(a) **The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.**

Adjacent land uses to the north south east and west of the project area are single family residences of height and scale of the proposed structure similar scale and height. Staff has included photographs used to identify the specific location and general type of residential structures of similar character in the surrounding area.

(b) **The project, to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water and air resources of both the applicant's property and that of surrounding property owners.**

The proposed project will not interfere with the health and safety of the surrounding neighborhood. Temporary and permanent BMPs will be installed to mitigate potential environmental impacts to water quality during the construction phases of the project. No long term impacts or inconveniences are anticipated.
during or after the construction of the project. The proposed residence is located in a plan area which has been identified as a potential avalanche hazard zone. An avalanche hazard study was prepared by Larry Heywood, Snow Consultant, for this project on July 27, 2005, which identifies some potential avalanche paths and zones within the Tahoe Basin portion of Washoe County. TRPA staff has reviewed this study which shows that the subject parcel is located outside of potential avalanche hazard areas identified in the study. As a condition of approval, the applicant will be required to record a deed restriction that indemnifies and holds TRPA harmless if any property on this parcel is damaged or destroyed as a result of an avalanche.

(c) The project, to which the use pertains, will not change the character of the neighborhood, detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

The proposed project is located within an existing residential neighborhood with structures of similar height and scale and will not change the character of the area. The proposed project is located within the Crystal Bay Plan Area Statement (PAS 34) in which new residential structures will not alter the purpose of the plan area statement.

4. Chapter 22 Height Findings:

(a) When viewed from major arterials, scenic turnouts, public recreation areas, or the waters of Lake Tahoe, from a distance of 300 feet, the additional height will not cause a building to extend above the forest canopy, when present, or a ridgeline. For height greater than that set forth in Table A for a 5:12 pitch, the additional height shall not increase the visual magnitude beyond that permitted for structures in the shoreland as set forth in Section 30.15.G, Additional Visual Magnitude, or Appendix H, Visual Assessment Tool, of the Design Review Guidelines.

The applicant has submitted photographs which seem to indicate that the new building structure will not be visible from the lake or Scenic Shoreline Unit #23, Crystal Bay which is currently in non-attainment. However, as a condition of approval the applicant is required to demonstrate the height of the proposed structure using story poles or other appropriate technique 300 feet lakeward of the high water line. In addition a special permit condition to preserve all existing on site vegetation as a scenic resource shall be incorporated into the permit.

(b) When outside a community plan, the additional height is consistent with the surrounding uses.

The affected property is not located in a community plan area. The surrounding parcels are residential with two and three-story structures. The proposed three story residence is similar in height to other buildings in the area.

(c) The maximum height at any corner of two exterior walls of the building is not greater than 90 percent of the maximum building height as defined in subsection 22.7 (8) of the TRPA code.
The maximum height at any corner of two exterior walls of the proposed residence will be 34 feet, which is less than 90 percent of the maximum building height of 37 feet – 10 inches.

5. Chapter 64 - Excavations:

(a) A soils/hydrologic report prepared by a qualified professional, whose proposed content and methodology has been reviewed and approved in advance by TRPA, demonstrates that no interference or interception of groundwater will occur as a result of the excavation.

The applicant has submitted a Soils/Hydrologic Scoping Report and the proposed excavation depth of 12 feet has been approved by TRPA, (TRPA File Number STD 20070161). The report demonstrates that the project will not interfere or intercept groundwater.

(b) Excavated material is disposed of pursuant to Section 64.5 and the project area's natural topography is maintained pursuant to Subparagraph 30.5.A(1).

As conditioned in the TRPA Soils/Hydrologic Report approval, all excavated material must be hauled away from the site to a TRPA approved location and no fills, or recontouring (other than backfill for the cut-retaining structures), shall be allowed. This is consistent with Subparagraph 30.5.A(1) of the TRPA Code.

(c) The Excavation is designed such that no damage occurs to mature trees, except where tree removal is allowed pursuant to Subsection 65.2.E, including root systems, and hydrologic conditions of the soil.

As a condition of approval the permittee shall not excavate more than 12 feet below ground surface (bgs). As a result of re-grading in preparation of the project site, two trees smaller than 12 inches in diameter (dbh) have been identified as needing to be removed to accommodate the new building structure. The removal of these trees is necessary in order to accommodate the proposed design of the new residential structure.

I. Required Actions: Staff recommends that the Hearings Officer take the following actions:

I. Approve the findings contained in Section H of this staff summary, and a finding of no significant environmental effect.

II. Approve the project, based on the staff summary, and evidence in the record, subject to the conditions contained in the attached Draft TRPA Permit.

Attachment:
Exhibit 1, Location Map
Exhibit 2, Plans; Floor Plan, Elevations
Exhibit 3, Photograph
PROJECT DESCRIPTION: New Single Family Residence

PERMITTEE: 400 Tuscarora Road, LLC

COUNTY/LOCATION: Washoe County, 400 Tuscarora Road

APN 123-142-07

FILE # ERSP2007-0260

Having made the findings required by Agency ordinances and rules, the Hearings Officer approved the project on October 18, 2007, subject to the standard conditions of approval attached hereto (Attachment R) and the special conditions found in this permit.

This permit shall expire on October 18, 2010, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

NO CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:
(1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
(2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT;
(3) THE PERMITTEE OBTAINS APPROPRIATE COUNTY/CITY PERMIT. TRPA'S ACKNOWLEDGEMENT MAY BE NECESSARY TO OBTAIN A COUNTY PERMIT. THE COUNTY/CITY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
(4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

TRPA Executive Director/Designee ___________________________ Date ___________________________

PERMITTEES' ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) ___________________________ Date ___________________________

(PERMIT CONTINUED ON NEXT PAGE)
APN 123-142-07
FILE NO. ERSP2007-0260

Air Quality Mitigation Fee (1): Amount $2,700 Paid ______ Receipt No. ______

Offsite Coverage Mitigation Fee (2): Amount $1,728 Paid______ Receipt No. ______

Security Posted (3): Amount $______ Posted______ Type ______ Receipt No. ______

Security Administrative Fee (4): Amount $______ Paid ______ Receipt No. ______

Notes:
(1) See Special Condition 3.B, below.
(2) See Special Condition 3.C, below.
(3) See Special Condition 3.D, below.
(4) $144 if a cash security is posted, or $74 if a non-cash security is posted.

Required plans determined to be in conformance with approval: Date: ___________

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit:

_________________________________________ Date

TRPA Executive Director/Designee

_________________________________________

SPECIAL CONDITIONS

1. This permit specifically authorizes the construction of a new 3-story +/- 3,244 square foot single family residence with an attached two car garage located at 400 Tuscarora Road. The property a 7,187 square foot (0.165 acres) parcel has an allowable base coverage of 214 square feet as determined by an IPES evaluation conducted January 1995. The project site will need an additional 1,100 square feet of coverage to be transferred to the site to build the project. The transfer of additional coverage is not a part of this permit, and will require separate TRPA application and approval prior to acknowledgement.

2. The standard conditions of approval listed in Attachment R shall apply to this permit.

3. Prior to final permit acknowledgement the following conditions of approval shall be satisfied.

   A. The permittee shall revise the site plan to include:

      (1) Identification of construction equipment staging, material storage, and employee parking areas. These areas shall be restricted to paved surfaces and previously disturbed areas and shall be fitted with temporary BMPs, including construction limit fencing.
(2) A note indicating: “All areas disturbed by construction shall be mulched with a 2 to 3 inch layer of pine needles or wood chips as a dust control measure. This mulch shall be maintained from completion of the initial grading through completion of the project”.

(3) A note indicating: “All barren areas and areas disturbed by construction shall be re-vegetated in accordance with the TRPA Handbook of Best Management Practices. Application of mulch may enhance vegetative establishment”.

(4) A note stating that no rock outcrops or boulders shall be moved or disturbed during the construction process.

A. The permittee shall provide evidence that all basic service requirements will be met or exceeded in accordance with Chapter 27 of the TRPA Code.

B. The permittee shall submit a $2,700 air quality mitigation fee. This fee is based on the addition of 10 daily vehicle trip ends at $270.00/trip.

C. The permittee shall pay an offsite coverage mitigation fee of $1,728 assessed at $12.00 per square foot for the creation of 144 square feet of impervious coverage in the public right-of-way.

D. The security required under Standard Condition A.3 of Attachment R and Section 8.8 of the TRPA Code of Ordinances shall be determined upon the permittee’s submittal of required Best Management Practices plan and related cost estimate. The security shall be equal to 110 percent of the cost estimate. The security shall also be no less than $5,000. Please see Attachment J, Security Procedures for appropriate ways to post the security and for calculation of the required Security Administrative Fee.

E. The transfer of additional coverage is not a part of this permit, and will require separate TRPA application and approval prior to acknowledgement of this permit. The project as conditioned is consistent with Chapter 20 of the TRPA Code.

F. The permittee is required to demonstrate the height of the proposed structure using story poles or other appropriate technique from 300 feet lakeward of the high water line.

G. All scenic mitigation measures as described in the Scenic Evaluation for this parcel shall be incorporated into the project. This includes the use of dark colors, reducing the glass reflectivity to 11% or less, removal of on-site mistletoe if present, and the introduction of a long term vegetation monitoring plan.

H. The permittee shall submit a projected construction completion schedule to TRPA prior to commencement of construction. Said schedule shall include completion dates for each item of construction and a requirement that completion be demonstrated by Oct 15th of each construction season.
I. Through separate applications, the permittee shall transfer a total of 1,100 square feet of land coverage to this project. The transferred coverage shall be from land capability Class 1 or higher or have an IPES score of 609 or higher. All of the transferred land coverage shall be located within Hydrologic Area 1 (Incline). (Note all coverage transfers must be in compliance with Chapter 20 of the TRPA Code of Ordinances and the TRPA Rules of procedure).

J. The permittee shall record a TRPA approved to form deed restriction that indemnifies and holds TRPA harmless, if property is damaged or destroyed as a result of an avalanche on this parcel. Please provide TRPA with a copy of the grant deed for this property so that TRPA can prepare the deed restriction.

K. The permittee shall provide (3) three sets of the final plans for TRPA Acknowledgement.

4. All work associated with this permit requiring the use of heavy equipment or vehicles shall take place within existing paved roadway or along existing compacted dirt shoulders. Any work encroaching into areas requiring minor temporary disturbance to existing vegetation or undisturbed areas shall employ the use of land mats and other protective devices. All areas temporarily disturbed by construction shall be immediately (within 48 hours) reseeded/re-vegetated and mulched following backfilling of trenches and/or access holes.

5. All proposed re-vegetation landscaping shall be in conformance with Subsection 30.7 of the TRPA Code of Ordinances, for species, sizes and spacing.

6. All temporary soil stockpiles shall be appropriately covered with tarps and contained by temporary erosion control fences and/or coir logs with gravel bags.

7. No grading or excavation shall be permitted except as shown on final stamped approved plans including restoration areas.

8. The permittee shall not construct any finished floor which is more than twelve (12) feet below natural grade measured at the location where the floor meets the foundation wall per TRPA 'Second Revision' Soil Hydrological approval TRPA STD # 20070161. Any modification of this structure shall conform to TRPA’s height standards.

9. All existing trees and shrubs on the lakeward (east) side of this parcel shall be considered as scenic mitigation and shall not be removed or trimmed for the purposes of view enhancement purposes without prior TRPA written approval. Any such removal or trimming shall constitute a violation of project approval. In addition no trees are permitted for removal under this permit.

10. The permittee shall employ best management practices (BMPs) to prevent earthen materials from being transported onto roadways and drainage inlets as a result of the proposed work.

11. Temporary erosion control structures must be installed prior to and maintained until disturbed areas are stabilized. Temporary erosion control structures shall be removed once the site has been stabilized.

/DL
10/11/07

AGENDA ITEM V. C.
12. All excavated materials shall be hauled away from the site to a legally acceptable, TRPA approved location. No fills or re-contouring, other than backfill for structures, shall be allowed.

13. Any normal construction activities creating noise in excess of the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.

14. All employee vehicles shall be parked on existing paved surfaces or existing compacted road shoulders only.

15. The permittee is responsible for insuring that the project meets all Washoe County and fire district, regulations and design specifications and conditions of the variance requirements as they pertain to the reduced front yard setback from 20 feet to 5 feet 6 inches and the relationship to the proposed parking apron and new residential structure.

16. This approval is based on the permittee’s representation that all plans and information contained in the subject application are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.

17. The permittee is responsible for insuring that the project, as built, does not exceed the approved land coverage figures shown on the site plan. The approved land coverage figures shall supersede scaled drawings when discrepancies occur.

18. This site shall be winterized in accordance with the provisions of Attachment Q by October 15th of each construction season. All disturbed areas shall be stabilized with a 3-inch layer of mulch or covered with an erosion control blanket.

END OF PERMIT
VIEWING DISTANCE FROM MHW., 600 FEET +/-.